

17 SEPTEMBER 1947

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Wednesday, 17 September 1947

200 250 300

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

500 500 500

Appearances:

For the Tribunal, all Members sitting, with the exception of: HONORABLE JUSTICE R. B. PAL, Member from India and HONORABLE JUSTICE I. M. ZARYANOV, Member from the U. S. S. R., not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

— — —

English to Japanese and Japanese to English interpretation was made by the Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): If the
5 Tribunal please, we present the following language
6 corrections: exhibit 3085, record, page 27,542, line
7 16, after "was also" insert "generally fair"; line 26,
8 after "internees" insert "and I believe the treatment
9 was generally with fairness."

10 THE PRESIDENT: Judge Nyi.

11 - - -

12 M A K O T O A I Z A W A, called as a witness on
13 behalf of the defense, resumed the stand and
14 testified through Japanese interpreters as
15 follows:

16 CROSS-EXAMINATION

17 BY JUDGE NYI (Continued):

18 Q Mr. Witness, just before the recess yesterday
19 you were telling us about the functions of the Special
20 Service Organ--

21 THE PRESIDENT: Does this witness' examination-
22 in-chief warrant a very lengthy cross-examination?

23 JUDGE NYI: I do not think the prosecution
24 will conduct a very lengthy examination of this witness
25 but we have just a few questions.

1 Q (Continuing) If the orders and instructions
2 were considered secret and confidential as you stated,
3 you would not be in a position to know what other
4 people were doing unless they told you about them, is
5 that correct?

6 A That is not so. Even though we subordinates
7 were unfamiliar with the exact contents of the instruc-
8 tions given to the chief of the Special Service Organ
9 by the commanding general at the time he took over the
10 office of chief of the Special Service Organ, still
11 we are able to know what the functions of the organ
12 are because it conducted the work of collecting
13 intelligence and information and also giving out press
14 releases and the work of the Special Service Organ
15 being collection of information and intelligence and
16 press releases, I would know what the functions of the
17 Special Service Organ are.

18 THE PRESIDENT: Can you suggest to this
19 witness that his figures are wrong and that instead
20 of four being employed, forty were employed or some
21 other number? Can you do anything like that? If you
22 have a different view of this Special Service organ-
23 ization you can put that view to him and see how he
24 reacts, if you really have views which could be sup-
25 ported by evidence later, if necessary.

1 JUDGE NYI: Thank you, your Honor.

2 Q Now we will come to a point where we have
3 some difference of views. Mr. Witness, you stated in
4 the second paragraph on page 4 that the Special Service
5 Organ did not have anything to do with opium. Do you
6 know what other organization in Mukden at the time had
7 control of opium?

8 MR. WARREN: I object, your Honor. That is
9 outside the scope of the affidavit, I am quite certain.

10 THE PRESIDENT: I think it is. Objection upheld.

11 JUDGE NYI: With respect to this point the
12 prosecution would like to invite the Tribunal's atten-
13 tion to pages 15,856 and 19,976 of the record with
14 respect to that point.

15 Q On page 3, near the top, of your affidavit
16 you stated that you were mainly concerned in those
17 days with the political movement and the state of the
18 public peace in Fengtien, Jehol Provinces and Inner
19 Mongolia. In the course of your employment under
20 DOHIHARA do you know that in 1935 DOHIHARA himself
21 was launching on a political offensive for the creation
22 of a separate state in North China under the threat
23 of sending five divisions within the Great Wall and
24 moving the Manchukuoan Emperor to Peiping?

25 A I have no knowledge whatsoever about it.

1 Q Do you know that he was in Peiping and
2 Tientsin area in November 1935 in connection with
3 the aforesaid movement?

4 A Yes.

5 THE PRESIDENT: Colonel Warren.

6 MR. WARREN: Your Honor, we don't object
7 to this witness' answering these questions, but they
8 seem clearly outside the scope of the direct examina-
9 tion. He is merely speaking about the Mukden Organ
10 and that is all we vouch for. We do not know anything
11 about all this other stuff.

12 JUDGE NYI: Your Honor, this concerns the
13 activities of the Special Service Organ in Mukden and
14 in our submission it is clearly within the scope of
15 the affidavit.

16 MR. WARREN: If he can tie it up in that
17 manner, I withdraw my objection.

18 THE PRESIDENT: Well, proceed with your
19 questions.

20 Answer the question. I think he did answer.

21 JUDGE NYI: I believe he did answer.

22 Q Do you know that the newspapers all over
23 the world were reporting the activities of DOHIHARA
24 in the Tientsin and Peiping area with regard to the
25 creation of the Five Provinces Autonomous Movement?

1 A The press at that time may have made such
2 reports but I do not recall them at present. However,
3 in the period just indicated by the prosecutor I do
4 know that General DOHIHARA made a tour of Tientsin
5 and Peiping, but I have no knowledge whatsoever, and
6 I do not think that General DOHIHARA had anything to
7 do in the course of his travels with the Separatist
8 Movement involving the five North China provinces.

9 Q As you were engaged in the collection of
10 information, did you read those newspaper reports
11 at all?

12 A I think I read them.

13 Q In collecting the various informations,
14 to whom did your organ make the report?

15 A To the commanding general.

16 Q Was this the report compiled by your organ
17 when you were employed there?

18 (Whereupon, a document was shown
19 to the witness.)

20 A This is a report of information compiled by
21 the Special Service Organ.

22 JUDGE NYI: Your Honor, at this juncture we
23 would like to tender this for identification.

24 THE PRESIDENT: Mark it for identification.

25 CLERK OF THE COURT: Printed in Japanese,

1 IPS document 1763 will receive exhibit number 3177
2 for identification only.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution exhibit 3177
5 for identification only.)

6 Q Mr. Witness, let me show you a report which
7 was taken from this compilation. Do you recognize
8 this?

9 A The report written in Japanese underneath was
10 made by the Special Service Organ, but as to the
11 English on top, I know nothing about it.

12 Q That is enough. Toward the end of page 6 of
13 this paper, do you see that the name of DOHIHARA also
14 appears?

15 MR. WARREN: Your Honor, I would like, if
16 possible, to have a copy of this so that I can make
17 intelligent objection in case it is necessary.

18 (Whereupon, a document was handed
19 to Mr. Warren.)

20 THE INTERPRETER: The witness replied, "Yes."

21 Q On that page do you see the passage that "the
22 very mention of the names of DOHIHARA and ITAGAKI is
23 enough to make the people turn pale in South China?"

24 THE PRESIDENT: I am not sure whether Judge
25 Nyi is saying what is written there, or is commenting

1 on something written there.

2 JUDGE NYI: It says there.

3 Your Honor, we would like to tender this
4 in evidence and have it read.

5 THE PRESIDENT: Colonel Warren.

6 MR. WARREN: Your Honor, what he is offer-
7 ing here has been drawn by them. We have no idea
8 what he is putting in, or whether he is putting in
9 disconnected sentences, or what they are attempting
10 to do, but at first glance here it is patent that it
11 does not convey the true story, and we want at this
12 time to object until we have the whole story and know
13 where we are at.

14 JUDGE NYI: Your Honor, we have a question
15 to follow which will be perfectly within the scope of
16 this affidavit.

17 MR. WARREN: Your Honor, of course, I cannot
18 read Japanese, but my co-counsel tells me that this
19 interpretation, instead of saying Major General DOHIHARA
20 and ITAGAKI, speaks about "the tiger". I don't know
21 what it means, but I think the original should be
22 gotten by the Language Section at this time and the
23 wording checked to find out whether this translation
24 is true or not.

25 JUDGE NYI: Your Honor---

1 THE PRESIDENT: So far the proper steps have
2 not been taken. This witness did say it was a report
3 by DOHIHARA and ITAGAKI, I think, but we don't know
4 what the report is about. You should have drawn his
5 attention to what it was, got him to describe it,
6 and then tendered it.

7 JUDGE NYI: Your Honor, in the light of this
8 report we are going to ask him about ---

9 THE PRESIDENT: It doesn't matter what you
10 are going to do. Get a proper foundation for tender-
11 ing it. You see, objection was taken to it. For a
12 time I did not think there was going to be any,
13 but we have to deal with the objection properly.

14 JUDGE NYI: Your Honor---

15 THE PRESIDENT: Ask the witness what the
16 report is, and draw his attention to any particular
17 passage in it, and then tender it if he acknowledges
18 it.

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1 Q Mr. Witness, you have seen this part of the
2 report. Now, since you say that the Special Service
3 Organ in Mukden deals with the collection of reports
4 only, how does it happen that the people in South
5 China became so scared of the names of DOHIHARA and
6 ITAGAKI? Could you give us any facts that will explain
7 this?

8 A First of all, may I speak about this report?

9 It was a report made by the Mukden Special
10 Service Organ; however, as to the reports compiled by
11 the Mukden Special Service Organ, these reports are
12 distributed to the army, to the Vice-Chief of the
13 Army General Staff and to the Vice-Minister of War,
14 and these reports are collected and classified into
15 political, economic and other subjects.

16 Q But you haven't answered my question.

17 A I have not completed my answer.

18 As it is indicated here, the various questions
19 are classified into political, economic and social
20 questions. The subject just pointed out by you is
21 classified under social questions. With respect to
22 points of observation of the public there is a report,
23 an item in here to the effect that the mere mention of
24 the names of ITAGAKI and DOHIHARA was enough to make
25 the people turn pale in South China, but I presume

1 that this item was taken from the newspapers comment-
2 ing on these two men and the report thus received
3 from the press was reported in this particular report.
4 DOHIHARA's name constantly appeared in the newspapers.
5 Furthermore, newspaper comments frequently reported
6 to the effect that DOHIHARA was engaged in conspira-
7 cies and various plots but, as a matter of fact, during
8 the years that I served under General DOHIHARA there
9 was not one iota of any evidence of his ever partici-
10 pating in such movements.

11 THE PRESIDENT: We do not want this witness
12 to digress to that extent. I notice that this docu-
13 ment has attached a certificate of source and authen-
14 ticity and it could have been tendered direct and
15 would be admitted subject to its having probative
16 value.

17 JUDGE NYI: Your Honor--

18 THE PRESIDENT: We will take it as tendered
19 with that certificate. The only question is, what
20 probative value has it, and if it has any, is it
21 properly translated. We can only refer to it if we
22 decide to admit it.

23 MR. WARREN: Your Honor, in view of this
24 witness' explanation as to what these items are we
25 feel it has lost probative value, but if the Court

1 wants to take it, we have no objection.

2 THE PRESIDENT: Colonel Warren, this Tribunal
3 has no wants in the matter. The question is, has it
4 probative value? Do you want to argue that?

5 MR. WARREN: Your Honor, we do not feel that
6 it has, but your Honor has seen it. It is very short
7 and I do not want to take the Tribunal's time in
8 arguing it. I will make the record objection.

9 THE PRESIDENT: Is it clearly understood
10 that if an objection is made we have to deal with it
11 after hearing argument, if necessary?

12 We take you as submitting now that it has no
13 probative value and therefore should be rejected.

14 JUDGE NYI: Your Honor, in our submission,
15 we think it has because, taken together with the
16 evidence which we have already submitted, it does have
17 a significance as to the activities of DOHIHARA and his
18 organ, the Special Service Organ of Mukden.

19 THE PRESIDENT: By a majority the Court over-
20 rules the objection and admits the document on the
21 usual terms.
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1 CLERK OF THE COURT: Prosecution document
2 1763-B will receive exhibit No. 3177-A.

3 (Whereupon, the document above
4 referred to was marked prosecution exhibit
5 No. 3177-A and received in evidence.)

6 Q Mr. Witness, toward the end of page 2 of
7 your affidavit, you stated that from the time of
8 arrival of LOHIHARA your duties were somewhat modified.
9 Then, in the next paragraph on page 3, you went on to
10 say that the Special Service Organ took charge of
11 supervision and guidance of Japanese personnel in
12 Manchukuo Government, and that you kept a complete
13 list of their conduct. Do you remember how many
14 Japanese officials were there during that time under
15 the jurisdiction of the Special Service Organ?

16 A The Mukden Special Service Organ had nothing
17 to do with the supervision of officials of Japanese
18 extraction.
19

20 THE MONITOR: Slight correction: It was
21 not in control of Japanese officials or officials of
22 Japanese extraction.

23 Q Didn't you say, in the middle of page 3: "The
24 reason for our supervision and guidance of persons
25 of Japanese extract who were in the employ of the
Manchukuo Government was to see that they did not act

1 overbearingly or go to extremes in their conduct"?

2 A Supervision and guidance are quite different
3 from control.

4 Q With the addition of the duty of supervising
5 and guiding the persons of Japanese officials in Man-
6 chukuo Government, now you admit that the work of the
7 Special Service Organ under DOHIHARA was not confined
8 to the collection of news and the issuing of press
9 releases, do you?

10 A The question is not clear to me.

11 (Whereupon, the last question was
12 read by the Japanese court reporter.)

13 A (Continuing) The functions of the Mukden
14 Special Service Organ were collection of information
15 and press releases. I do not recall whether or not
16 the Special Service Organ's functions also included
17 the supervision and guidance of officials of Japanese
18 extraction. However, it is a fact that the Special
19 Service Organ collected information concerning these
20 officials as a measure of preventing such officials
21 from interfering in the government of Manchukuo by
22 acting overbearingly.

23 Q The language is clear when you use the
24 expression "our supervision and guidance of the per-
25 sons of Japanese extract"; is that correct?

1 A What do you mean by clear language, "language
2 is clear"?

3 Q You stated, in the middle of page 3 which
4 I just read you a few minutes ago, "our supervision
5 and guidance of persons of Japanese extract," and you
6 did not say that you collected information concerning
7 the supervision and guidance.

8 MR. WARREN: Your Honor, I should like to
9 call attention to the Tribunal that the statement of
10 counsel at this time that he did not say so is con-
11 trary to the affidavit itself, in which he says that
12 "We compiled and kept a very complete list of the
13 personal conduct," et cetera.

14 I am sorry, I forgot to say I therefore
15 object.

16 JUDGE NYI: What Mr. Warren just said is
17 the next sentence.

18 THE PRESIDENT: Objection upheld.

19 Q Mr. Witness, how many divisions or sections
20 were there within the Special Service Organ at Mukden?

21 A There was nothing of the kind. There were
22 only the chief and the assistant and his assistant,
23 the office of the chief and the office of his assistant,
24 and the office of the clerks. That is all.

25 Q Do you know that there were special service

1 organs of the Kwantung Army at Shanghaikwan, Chinchow,
2 and Antung, besides the one at Dairen which you men-
3 tioned in your affidavit?

4 MR. WARREN: Your Honor, I have no doubt
5 that what counsel states is true. But this witness
6 is confined to the Mukden Special Service Organization
7 to which General DOHIHARA was connected. We did not
8 go into the others. It is outside the scope of the
9 direct examination.

10 JUDGE NYI: Your Honor, this affidavit
11 concerns the activities of DOHIHARA, not only in Mukden.
12 On page 3 the affidavit says they collected information
13 about conditions in Fengtien, Jehol Provinces, and
14 Inner Mongolia.

15 THE PRESIDENT: I think he can tell us what
16 branches there were.

17 MR. WARREN: Your Honor, may I make an
18 observation?

19 THE PRESIDENT: He does mention one of them,
20 I notice. It is within the scope of an affidavit
21 dealing with the operations of the principal office
22 to say what branches it had.

23 MR. WARREN: Your Honor, may I make this
24 observation: The Mukden Special Service Organization,
25 according to this affidavit, was in the city of Mukden,

1 with one branch in Dairen. We did not go into the
2 others because it is similar to the Intelligence
3 Department of our army: There were hundreds of them,
4 probably.

5 THE PRESIDENT: Your attempts to state what
6 is here, Colonel Warren, are resented by at least two
7 of my colleagues besides myself. The question is
8 within the scope of the affidavit, and the witness
9 must answer.

10 MR. WARREN: Your Honor, I do not know whom
11 I have offended, but I apologize to those particular
12 persons. I meant no offense. I merely meant to state
13 that if the affidavit was not clear the witness would
14 clarify that point, that those were the only two
15 offices of the Mukden organization. And the others,
16 if the Court feels it is within the province, I of
17 course have no objection to going into that. I am
18 sorry if I was misunderstood.

19 THE PRESIDENT: The affidavit says the
20 Mukden office had a branch in Dairen. That is all
21 it says. It may or may not mean that was the only
22 branch. That is the point.

23 Please answer the question.

24 A The only branch of the Mukden Special Service
25 Organ was in Dairen. The Special Service Organs in

1 Shanghaikwan and other places just mentioned by the
2 prosecutor are entirely separate Special Service
3 Organs not under the jurisdiction of the Mukden Special
4 Service Organ.

5 Q Were all these Special Service Organs which
6 I just mentioned under the direction of General
7 DOHIHARA?

8 A In my recollection, there were no Special
9 Service Organs either in Antung or in Chinchow. The
10 Special Service Organ in Shanghaikwan did not receive
11 directions from General DOHIHARA.

12 Q Was the Special Service Organ in Harbin also
13 under the direction of General DOHIHARA?

14 A No.

15 JUDGE NYI: Your Honor, this concludes our
16 cross-examination.

17 THE PRESIDENT: Colonel Warren.

18 MR. WARREN: We have nothing further from
19 this witness. May he step down?

20 (Whereupon, the witness was excused.)

21 THE PRESIDENT: Do you desire exhibit 3177-A
22 to be referred to the Language Section?

23 MR. WARREN: My Japanese counsel advised me
24 to make that request, your Honor. Thank you very much.

25 At this time we should like to call as our

1 next witness, SHIBAYAMA, Kaneshiro.

2

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3 K A N E S H I R O S H I B A Y A M A, recalled
4 as a witness on behalf of the defense, having
5 been previously sworn, testified through
6 Japanese interpreters as follows:

7 THE PRESIDENT: You are still on oath,
8 Witness.

9 DIRECT EXAMINATION

10 BY MR. WARREN:

11 Q Will you state your name and present address
12 to the Court, please?

13 A My name is SHIBAYAMA, Kaneshiro. My address,
14 No. 861 Komaba-machi, Meguro, Tokyo.

15 MR. WARREN: Will you hand the witness, please,
16 defense document No. 2087.

17 Q Will you look at the document which you hold
18 and tell the Tribunal whether or not that is your
19 affidavit, and if the contents thereof are true?

20 A This is my affidavit. Its contents are true
21 and correct.

22 MR. WARREN: If the Tribunal please, at
23 this time we offer in evidence defense document
24 No. 2087, except the following extract which the
25 prosecution has objected to and I think has merit.

1 On page 2, beginning with the first sentence
2 and the words "In my association," and continuing for
3 two sentences, ending with the words "Military
4 Education." That portion we do not offer.

5 THE PRESIDENT: Admitted on the usual terms,
6 to that extent.

7 CLERK OF THE COURT: Defense document 2087
8 will receive exhibit No. 3178.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 3178 and received in evidence.)
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1 MR. WARREN (Reading): "I have been asked
2 if I am acquainted with the accused DOHIHARA, Kenji,
3 and if I were familiar with his activities during the
4 time immediately preceding and following the Mukden
5 Incident. Also, I have been asked if I am acquainted
6 with one General Ching Teh-chen, a Chinese general
7 who was a witness for the prosecution, and as to
8 whether I ever had a conversation with him concerning
9 the accused DOHIHARA at Chungshan Park in Peking. I
10 do have knowledge of these facts and desire to make
11 the following statement concerning them.

12 "From December 1928 until October 1931, I
13 served under General Chang Hsueh-liang of Manchuria
14 as a military advisor. For about eight months in
15 the beginning, that is, from December 1928, I was
16 assistant to General DOHIHARA, who was for that period
17 of time military adviser to General Chang Hsueh-liang.
18 During that period of time I became well and per-
19 sonally acquainted with him, knew his policies and
20 often discussed them with him. On many occasions he
21 emphasized that the secret of friendly relations be-
22 tween Japan and China was for the Japanese to study
23 more deeply the state of affairs in China and to
24 carry on friendly relations between the two peoples
25 in good faith, discarding the Japanese superiority

1 complex, and to refrain absolutely from enforcing
2 our will by unilateral force.

3

4 "Not only did General DOHIHARA advocate
5 his policies, but in territories under his command
6 he required a strict observance of those policies.
7 I know this to be a positive fact because in January
8 1938 I accompanied Lt. Gen. UMEZU, Yoshijiro, the
9 then Vice-Minister of War, on a tour of inspection
10 of the battle lines of North China. On this tour
11 we visited Tsoushieng, which was the headquarters
12 of General DOHIHARA. I was greatly surprised to
13 learn that tranquility prevailed throughout the
14 city and that it was at the height of prosperity.
15 It was hard for me to realize that this was actually
16 the base of military operations nearest the front
17 line of battle.
18

19 "In 1937, prior to the tour of inspection
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1 which I have just mentioned and at the time of the
2 occurrence of the China Incident, General DOHIHARA
3 was Commander of the 14th Division at Utsunomiya,
4 Japan, and was ordered to go to North China. It is
5 a fact that the masses of the people of North China
6 were deeply impressed by his policy and actually
7 crowded to areas under his control because they knew
8 they would be able to pursue their callings in peace
9 and contentment, without undue interference from the
10 Japanese military. Our inspection tour confirmed
11 everything we had heard concerning the situation
12 in the territories under the command of General
13 DOHIHARA.

14 "On September 9, 1931, immediately prior to
15 the outbreak of the Manchurian Incident, by order of
16 General Chang Hsueh-liang I was sent to Tokyo in con-
17 nection with the murder of Captain NAKAMURA, Shintaro,
18 and returned to Peking on September 24th of the same
19 month. While I was in Tokyo General DOHIHARA was
20 there to make his report as Chief of the special
21 military organ at Mukden on the progress being made
22 in the Captain NAKAMURA case. I met him and talked
23 with him in Tokyo on September 14th.
24

25 "During the presentation of the prosecution's
case, General Ching Teh-chen, with whom I am well and

1 personally acquainted, appeared before this Tribunal
2 as a prosecution witness and testified that five days
3 before the outbreak of the Manchurian Incident General
4 Ching met a friend of his by the name of SHIBAYAMA,
5 who was also a mutual friend of the defendant DOHI-
6 HARA, in Chungshan Park in Peking. At this meeting
7 General Ching stated that the SHIBAYAMA with whom
8 he conversed said in substance: 'DOHIHARA is about
9 to go to Manchuria to embark on some big project.'
10 General Ching has always been friendly with me and
11 I have been friendly with him and consider him as my
12 friend, and while he was in Tokyo, and after his
13 testimony, I was contacted by him and he stated that
14 he had used my name before the Tribunal and also told
15 me in what connection. I was surprised at the General's
16 carelessness in using my name in such connection be-
17 cause I know that I am the only SHIBAYAMA who is a
18 friend of both General Ching and General DOHIHARA.

19 "As shown by my previous statements concern-
20 ing my whereabouts on the date referred to by General
21 Ching, it would have been quite impossible for me to
22 have discussed General DOHIHARA at that time and place,
23 and in fact I have never at any time told General Ching
24 anything about the foregoing affair, much less men-
25 tioned the name of General DOHIHARA in connection

1 therewith. In his conversation with me General
2 Ching told me he had used my family name, SHIBAYAMA,
3 but not my given name.

4 "Due to the fact that I was engaged in work
5 in the Captain NAKAMURA case, and I know General
6 DOHIHARA was spending most of his time on the case,
7 and knowing his whereabouts just prior to the outbreak
8 of the Mukden Incident in September 1931, I was very
9 greatly surprised to learn that anyone could seriously
10 consider he had any connection with it."

11 The prosecution may cross-examine.

12 THE PRESIDENT: Captain Brooks.

13 MR. BROOKS: If the Tribunal please, I have
14 five questions I would like to ask on direct examina-
15 tion on behalf of General MINAMI. They all concern
16 one point, and it will save duplication of calling
17 this witness covering this same material. It is
18 closely connected with Mr. Warren's case, and I did
19 not know that he was going to call him, and I was
20 intending to get a similar affidavit on my own behalf.
21 Since this question is closely connected with what
22 Mr. Warren's case is, it will save time by asking him
23 only this one point he did not cover in his affidavit,
24 and I will adopt the rest of the affidavit for
25 MINAMI.

DIRECT EXAMINATION (Continued)

1
2 BY MR. BROOKS:

3 Q Now, Mr. Witness, in paragraph 3 on page 2
4 of your affidavit you state you were in Tokyo on
5 and around September 18, 1931. Now, did you meet
6 the War Minister, General MINAMI, at that time?

7 A Yes, I met him.

8 Q What was the subject of your conversation
9 with MINAMI at that time?

10 A As I was about to return from Tokyo to
11 Mukden, I asked of the War Minister if he had any
12 directions to give to me. On that occasion the War
13 Minister requested me to orally communicate with the
14 Commanding General in Korea, General HAYASHI, while
15 en route through Chosen or Korea, the following
16 message: The message I was asked by the War Minister
17 to carry to General HAYASHI was that under no circum-
18 stances should the Korean Army be permitted to cross
19 the Yalu River into Manchuria.
20

21 Q Did he state why?

22 A He did not state the reason.

23 THE PRESIDENT: Were you a general
24 officer in the Japanese Army then?

25 THE WITNESS: I was then a major.

Q Did you give this message to General
1 HAYASHI, the Commander-in-Chief of the Korean Army?

2 A First of all, I sent a wire to the Command-
3 ing General of the Korean Army and arranged to see
4 the Chief of Staff, KODAMA, at the station.

5 Q And did you see the Chief of Staff, General
6 KODAMA?

7 A Chief of Staff KODAMA had come as far as
8 Ryuzan to meet my train, and we traveled together
9 to Keijo or Seoul.

10 THE PRESIDENT: Were you on MINAMI's staff
11 or in his office?

12 THE WITNESS: I was then not one of the staff
13 of War Minister MINAMI.

14 THE PRESIDENT: Why should he employ you to
15 send a communication of that kind to such a person?

16 THE WITNESS: In my judgment the matter of
17 such a kind required the earliest possible and most
18 urgent attention, and because I happened to be
19 leaving Tokyo for Mukden I presume that this particular
20 message was entrusted to me.

21 THE PRESIDENT: It is not very convincing yet.

22 We will recess for fifteen minutes.

23 (Whereupon, at 1045, a recess was
24 taken until 1100, after which the proceedings
25 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Brooks.

4 BY MR. BROOKS (Continued):

5 Q Now, Mr. Witness, when, where and why did
6 you call on General MINAMI?

7 A At that time, I was Military Adviser to Marshal
8 Chang Hsueh-liang in Mukden and I was receiving at that
9 time frequent directions from the War Minister. And,
10 therefore, I went to visit him, thinking that there
11 might be some instructions I might receive from him.
12 In my recollection, the time was, if I am not mistaken,
13 the night of the 19th of June. The place was the
14 Japanese room of the official residence of the War
15 Minister and the time around 6:30 p.m.

16 THE PRESIDENT: Surely not in June.

17 THE WITNESS: I was mistaken; September 19th.

18 THE PRESIDENT: But he said June. It wasn't
19 a mistranslation, was it?

20 THE MONITOR: It was not a mistranslation.

21 THE PRESIDENT: How did he come to make such
22 a gross mistake? Such mistakes are not easily made.

23 THE WITNESS: I thought it was September, and
24 I was about to say September.

25 THE PRESIDENT: But, you said June, and you

1 did not correct it.

2 THE WITNESS: I was a bit confused because
3 I had mixed up the numeral "6" with the 6th Year of
4 Showa, which was the year in which this meeting took
5 place.

6 BY MR. BROOKS (Continued):

7 Q Mr. Witness, prosecution exhibit 57, the last
8 paragraph, page 64, states that Major SHIBAYAMA arrived
9 in Tokyo on September 12th. Is that a correct state-
10 ment?

11 A Yes.

12 Q Now, what was your mission?

13 A It was to communicate to the Japanese military
14 headquarters the intentions and wishes of Marshal Chang
15 Hsueh-liang in connection with the murder of Captain
16 NAKAMURA.

17 Q At this time you were an officer of the
18 Japanese Army; is that correct?

19 A Yes.

20 Q Now, as to this message, when and where did
21 you deliver this message to General KODAMA?

22 A I think the date was the 20th. Although I do
23 not remember the exact time, I presume it was around
24 11 o'clock in the morning on board a train bound between
25 Ryuzan and Seoul.

1 Q That is in Korea?

2 A Yes, in Korea.

3 Q Now, why did War Minister MINAMI give you
4 this message for the Commander-in-Chief HAYASHI?

5 A I believe that was because the Minister of War,
6 General MINAMI, desired to bring about a settlement --
7 a local settlement of the Manchukuo Incident on the
8 smallest possible scale.

9 MR. BROOKS: No further questions, your Honor.

10 THE PRESIDENT: Judge Nyi.

11 JUDGE NYI: May it please the Tribunal, the
12 prosecution has a few questions to put to the witness.

13 CROSS-EXAMINATION

14 BY JUDGE NYI:

15 Q Mr. Witness, in the last paragraph on page 1
16 of your affidavit you stated that you served as a
17 Military Adviser to General Chang Hsueh-liang in Manchuria
18 from December, 1928 until October, 1931. Were you in
19 any way connected with General Chang before that time?

20 A Yes.

21 Q In what capacity?

22 A It was in the previous year -- When I was in
23 Chinchow in Honan Province Chang Hsueh-liang came --

24 THE INTERPRETER: Correction: It was in the
25 previous year when I was in Chinchow in Honan Province

1 that Chang Hsueh-liang came to that city with his
2 army. At that time I was travelling in Honan Province
3 and was -- and happened to be in Chinchow at that
4 time.

5 Q You were General DOHIHARA's assistant during
6 the first few years; was that correct?

7 A Yes, only several months.

8 Q Was it true that when DOHIHARA left Chang
9 Hsueh-liang he recommended you to General Chang as his
10 successor?

11 A Not so.

12 Q How many Japanese military advisers did
13 General Chang have at the time when you were his adviser?

14 A Two.

15 THE PRESIDENT: Did he have any non-military
16 advisers?

17 THE WITNESS: No.

18 Q Who was the other Military Adviser?

19 A General DOHIHARA's successor as Military
20 Adviser was Colonel SENO.

21 Q How did it happen that General Chang picked
22 you out for going to Tokyo to settle the NAKAMURA Case
23 in 1931?

24 A That was because Marshal Chang felt the
25 necessity of communicating to the Japanese military

1 authorities his desire to bring about a peaceful
2 settlement of the Captain NAKAMURA Incident.

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1 Q Was it also because you were close to the
2 Japanese military circles?

3 A That I do not know.

4 Q You were familiar -- were close to the
5 Japanese military circles in Tokyo, were you, at that
6 time?

7 A At that time, I had no intimate connection
8 with the Japanese military circles, because I was
9 purely a military adviser only to Marshal Chang, and
10 there was no need for me to respond to the orders of
11 the Japanese Army. Consequently, my connections --
12 I had very little connection with the Japanese mili-
13 tary.

14 Q What was General Chang's specific instruc-
15 tions with regard to the NAKAMURA case?

16 A Chang Hsueh-liang -- Marshal Chang Hsueh-
17 liang's desires was to see to it that the Captain
18 NAKAMURA incident be fully investigated -- carefully
19 investigated by both sides, and that if, after the
20 investigation, it happened that he would be respons-
21 ible -- would be found responsible for the incident,
22 he said that, depending on the representations made
23 by the Japanese side, he would listen to them and try
24 to bring about a peaceful settlement of the issue.

25 Q So, he was sincere in his effort to bring

1 about a settlement of the NAKAMURA case, was he?

2 A Yes.

3 Q Do you know by that time that a second
4 inquiry into the NAKAMURA case had been ordered?

5 A No, I did not know.

6 Q Did you also know that another high-ranking
7 Chinese official, by the name of Tang Erh-ho, had
8 been ordered by General Chang to proceed to Tokyo for
9 consultation with Baron SHIDEHARA?

10 THE MONITOR: Will you please spell it?

11 JUDGE NYI: T-a-n-g E-r-h - ho...

12 MR. WARREN: Your Honor, we desire to object
13 to this line of questions concerning the NAKAMURA
14 case. We don't believe it is within the scope of the
15 direct examination. Although he does mention it, he
16 mentions it as a point of recollection, not as an
17 attempt to analyze it at all.

18 THE PRESIDENT: It is very difficult to say
19 it is outside the scope of the affidavit, which does
20 mention it. Nevertheless, I fail to see the point of
21 the cross-examination.

22 JUDGE NYI: May it please your Honor, this
23 present witness has mentioned -- made two references
24 to the NAKAMURA case in his affidavit.

25 THE PRESIDENT: We are with you on the scope

1 of the affidavit. But, what is the purpose of the
2 cross-examination?

3 JUDGE NYI: Your Honor, in our submission,
4 this has a very close relation to the activities of
5 the accused DOHIHARA, and they were both in Tokyo at
6 that time.

7 THE PRESIDENT: Is that your reason? That
8 doesn't appear to be sufficient. There may be another.
9 The NAKAMURA case played some part.

10 As I am reminded, it is one of three hundred
11 matters that is supposed to have been causing trouble
12 between China and Japan, but the prosecution gave it
13 very little attention. It is also dealt with, I am
14 reminded, in the written report.

15 What can this witness add? What can he do
16 except waste time.

17 JUDGE NYI: Your Honor, this witness said
18 that he had a talk with DOHIHARA in Tokyo, and we
19 might get from this witness what were the views of
20 DOHIHARA in this case, and which were not in the
21 written report.

22 THE PRESIDENT: If we are going into all
23 these details at this length, we will never finish.

24 JUDGE NYI: May it please your Honor, we will
25 drop this point.

1 BY JUDGE NYI (Continued):

2 Q Mr. Witness, you spoke of your trip to China
3 after the outbreak of hostilities in 1937.

4 A Yes, I did make a trip.

5 THE PRESIDENT: The prosecution has as great,
6 if not a greater, responsibility than the defense of
7 avoiding a waste of time in this case.

8 Q Mr. Witness, you stated that you met
9 DOHIHARA in North China in January, 1938. Have you
10 been with him in China at that location again in the
11 same year?

12 A I did not meet him twice in the same year in
13 North China.

14 Q Did you meet him elsewhere in this same
15 year?

16 A Yes.

17 Q Was it true that both you and DOHIHARA were
18 sent to China on the same mission in August, 1938?

19 A Not to North China, but I made an inspection
20 trip to both North and South China.

21 THE INTERPRETER: Slight addition: I
22 accompanied DOHIHARA on this inspection trip.

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1 Q Was it also for the creation of a new cen-
2 tral government to be headed by General Wu Pei-fu
3 and Mr. Tang Shao-yi?

4 A That is not so.

5 Q You stated on page 1, at the bottom, that
6 DOHIHARA was anxious to bring about friendly rela-
7 tions between China and Japan. Did he ever tell you
8 that it would be close to his idea of maintaining friend-
9 ly relations by creating a new government?

10 A I have never ever heard of that.

11 Q You also mentioned in the affidavit about
12 your inspection tour with General UMEZU.

13 THE PRESIDENT: What about it? You are tell-
14 ing him something; you are not putting a question.

15 Q My question would be: Did you go there on
16 the request of General TERAUCHI?

17 A That is not so.

18 JUDGE NYI: Your Honor, we conclude our cross-
19 examination.

20 THE PRESIDENT: By what means did you travel
21 from Tokyo to Korea after talking to MINAMI?

22 THE WITNESS: By rail.

23 THE PRESIDENT: By boat and by rail, I suppose,
24 and perhaps by air.

25 THE WITNESS: I traveled by rail, sir.

1 THE PRESIDENT: Colonel Warren.

2 MR. WARREN: We have no further questions.

3 May the witness step down, sir?

4 THE PRESIDENT: He is excused on the usual
5 terms.

6 (Whereupon, the witness was excused.)

7 MR. WARREN: We should like to call as our
8 next witness KUTAJIMA, Kazue.

9 - - -

1 K A Z U E K U W A J I M A, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

DIRECT EXAMINATION

BY MR. WARREN:

7 Q Will you state your name and present ad-
8 dress to the Tribunal, please?

9 A My name is KUWAJIMA, Kasue.

10 Q Your present address is in Tokyo, I take it?

11 A Tokyo, yes.

12 MR. WARREN: May the witness be handed
13 defense document 2116?

14 (Whereupon, a document was handed
15 to the witness).

BY MR. WARREN:

17 Q Will you look at the document you hold in
18 your hand and state whether or not that is your affi-
19 davit and if the contents contained therein are true?

20 MR. WARREN: Tell the witness to answer,
21 not shake his head.

22 THE PRESIDENT: Say yes or . . . The shake
23 of the head is not recorded and is not always under-
24 stood.

25 A Yes.

1 MR. WARREN: If the Tribunal please, at
2 this time I offer in evidence defense document 2116
3 except the last two sentences in the affidavit on
4 page 2, starting with the words "I was" and ending
5 with the words "military man". By agreement with
6 the prosecution I shall not offer that or ask to
7 read it.

8 THE PRESIDENT: Admitted on the usual terms
9 with the last two sentences excised.

10 CLERK OF THE COURT: Defense document
11 No. 2116 will receive exhibit No. 3179.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3179 and received in evidence.)

15 MR. WARREN: (Reading)

16 "My name is KUWAJIMA, Kasue, and I was gra-
17 duated from the Waseda University in 1906. In 1911
18 I passed the diplomatic service examination, entering
19 the diplomatic service in the same year, and was still
20 in the service in 1931, at which time I was Consul
21 General at Tien-Tsin. I held such posts prior to
22 and at the time of the Manchurian Incident.

23 "As Consul General I collected certain in-
24 formation concerning the accused DOHIHARA, Kenji,
25 which I considered to be in connection with his

1 actions with reference to the Manchurian Incident,
2 and wired such information to the then Foreign Min-
3 ister SAIDOHARA, or to the Chief of the Asia Bureau
4 of the Foreign Ministry. Some of these wires were
5 introduced in evidence by the prosecution as exhibits
6 287, 289, 290, 291, 292, 293, 295, 296, 300, and 304,
7 etc. In connection with sending these wires, and
8 similar wires, I have been asked concerning the method
9 I employed in securing the information therein con-
10 tained.

11 "In order to fully understand the situation,
12 it is necessary for me to explain that there was dis-
13 agreement and friction between the Foreign Office and
14 the Kwantung Army regarding Henry Pu-Yi's coming out
15 of retirement. The Army was acting independently of
16 the Foreign Ministry and we received no official in-
17 formation from the Kwantung Army as to the activities
18 of any of its members, and had no means by which I
19 could do so. It may be possible that the Foreign
20 Ministry was receiving such information, but as to
21 that I cannot say.

22 "I, as Consul General, was far too busy to
23 conduct any personal investigation of the actions of
24 DOHIHARA and had to depend upon my subordinates to
25 collect what information they could. They secured

1 information from whatever sources were available, such
2 as newspaper articles, conversations held with various
3 people, both Chinese and Japanese, rumors, in short,
4 any information which might tend to throw any light
5 whatever upon the activities, in this instance, of
6 General DOHIHARA. All this information was reported
7 to me and I then sifted the information and then drew
8 my own conclusions. The conclusions which I drew com-
9 prised the contents of the telegrams which were in-
10 troduced in evidence by the prosecution as having
11 been sent from me to the Foreign Minister, or the
12 Bureau of Foreign Ministry.

13 "This was the only source of information I
14 had, and with the great mass of information, it was
15 quite impossible to check the authenticity of its
16 source. I had to do the best I could under the cir-
17 cumstances as I had no further personal information.

18 "As for my personal contact with the accused
19 DOHIHARA, I recall that I met him on two occasions,
20 at which time we exchanged merely social conversations."

21 Now, your Honor, I should like to ask the
22 witness one additional question:

23 Q Mr. KUWAJIMA, did you place confidence in
24 the reports of the consular police?
25

A After receiving reports of the consular

1 police I never used them as data for telegrams to be
2 sent to the Foreign Office. The reports made by the
3 consular police were not immediately used as material
4 for reports.

5 MR. WARREN: Will you repeat that for my
6 benefit? I am sorry, I didn't hear it.

7 (The last answer of the witness was
8 repeated by the official court reporter).

9 THE PRESIDENT: On behalf of a Member of the
10 Tribunal, I ask the following question: What were
11 the two opinions of the Kwantung Army and the For-
12 eign Office regarding Henry Pu Yi coming out of re-
13 tirement?

14 THE WITNESS: According to the standpoint
15 of the views entertained by the Foreign Minister, ac-
16 cording to the instructions given me, was that it
17 was not time for Mr. Henry Pu Yi to appear; that it
18 was not time for Mr. Henry Pu Yi to appear in Man-
19 churia.

20 JUDGE NYI: If it please the Tribunal, the
21 prosecution has a very few questions to ask this
22 witness.
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CROSS-EXAMINATION

1
2 BY JUDGE NYI:

3 Q Mr. Witness, on page 1 of your affidavit you
4 spoke of the wires you sent to Baron SHIDEHARA from
5 Tientsin in November, 1931, which had been received
6 and referred to as exhibit 287, et cetera. Was it
7 true, Mr. Witness, that before you sent these wires
8 Baron SHIDEHARA had sent you a telegraphic instruc-
9 tion to stop the abduction plan of Emperor Hsuan Tung
10 and to be on guard?

11 A I received instructions from the Foreign
12 Minister to see the Emperor Hsuan Tung, that is, Mr.
13 Henry Pu-Yi, and to advise him against going to Man-
14 churia.

15 Q So you sent these wires, not as a matter of
16 routine but in consequence of the telegraphic instruc-
17 tion of Baron SHIDEHARA, is that correct?

18 A Naturally it was in accordance with the instruc-
19 tions of the Foreign Minister that I interviewed Mr. Pu-
20 Yi and communicated the advice.

21 Q Now, of the ten telegrams you referred to in
22 your affidavit, is it true that you had given the source
23 of the information in each instance?
24

25 THE PRESIDENT: Colonel Warren.

MR. WARREN: We object. The telegrams are in

1 evidence and are the best evidence of what they con-
2 tain.

3 JUDGE NYI: Your Honor, we ask these ques-
4 tions on the ground that the present witness is try-
5 ing to give something which will be contrary to the
6 exhibits which are already in evidence.

7 THE PRESIDENT: He is trying to reduce their
8 value. That is what it amounts to.

9 I think we have heard enough about it.

10 Now a question on behalf of a Member of the
11 Tribunal:

12 Was the Foreign Affairs Department opposed
13 to Pu-Yi coming out at all?

14 THE WITNESS: Yes. May I have the question
15 repeated to me?

16 (Thereupon, the Interpreter spoke in
17 Japanese.)

18 My understanding and according to the instruc-
19 tions received by me, it wasn't time for Mr. Pu-Yi to
20 appear in Manchuria.

21 THE INTERPRETER: That it wasn't yet time for
22 Mr. Pu-Yi to appear in Manchuria.

23 THE PRESIDENT: That is all you know about
24 their attitude?

25 THE WITNESS: Yes.

1 Q Mr. Witness, in the last paragraph of your
2 affidavit you say that "as for my personal contact with
3 the accused DOHIHARA, I recall that I met him on two
4 occasions, at which time we exchanged merely social
5 conversation."

6 Was it true that in your telegrams to Baron
7 SHIDEHARA you mentioned that you had several talks
8 with DOHIHARA himself?

9 A In none of my telegrams have I ever referred
10 to my talking with General DOHIHARA.

11 THE INTERPRETER: I have at no time in my
12 telegrams reported the results of any conversation with
13 DOHIHARA.

14 Q Let me refresh your memory. In Exhibit 287
15 you said that you talked with DOHIHARA and conveyed to
16 him your personal opinion. In Exhibit 300 you speci-
17 fically stated that "I have deliberately talked with
18 him several times not to commit such atrocities."

19 THE MONITOR: Judge Nyi, what part of the ex-
20 hibit does it refer to?

21 JUDGE NYI: Exhibit No. 300.

22 THE MONITOR: What page and what paragraph.

23 JUDGE NYI: In the middle of page 41,397.

24 THE MONITOR: Could you tell us the date of
25 the telegram, please?

JUDGE NYI: November 17, 1931.

1 MR. WARREN: Your Honor, we should like to
2 object to this method of attempting to impeach the
3 witness. I think the proper method, at least in my
4 country, is to present the witness with the document
5 and let him refresh his memory, and then question
6 him concerning contrary statements.
7

8 THE PRESIDENT: The method of cross-examina-
9 tion is his concern; the propriety of what he is doing
10 is a matter for you, Colonel.

11 MR. WARREN: Your Honor, I was objecting to
12 this method of attempting to impeach the witness.
13 Perhaps I didn't make myself clear.

14 THE PRESIDENT: He is perfectly fair to the
15 witness, but I wish he would read the telegram to him.
16 Perhaps it would be sufficient to do what other prose-
17 cutors have done and just refer us to the telegram,
18 where it is necessary, but here it is not necessary
19 because the affidavit itself mentions telegrams.

20 Were the consular police trustworthy men?

21 THE WITNESS: The consular police brought
22 much information to my office daily, but it wasn't to
23 be trusted to the extent that it can be used immediate-
24 ly for reporting purposes.
25

JUDGE NYI: Your Honor, I will just read the

1 one sentence which I have just begun, in accordance
2 with your instruction.

3 THE PRESIDENT: Do so after lunch.

4 We will adjourn until half-past one.

5 (Thereupon, at 1200, an adjournment was
6 taken until 1330.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Major Moore.

LANGUAGE ARBITER (Major Moore): If the
Tribunal please, exhibit 3177-A, page 7, paragraph
marked 1 has been referred. We recommend that the
sentence be deleted and substitute the following:
"In South China to hear the names of Major General
DOHIHARA and ITAGAKI is something like mentioning a
tiger and the people turn pale."

THE PRESIDENT: Thank you, Major.

Judge Nyi.

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K A Z U E K U W A J I M A, called as a witness
on behalf of the defense, resumed the stand and
testified through Japanese interpreters as follows:

CROSS-EXAMINATION

JUDGE NYI: May it please the Court, before
the recess I was about to read a sentence in exhibit
300. I think the language section is ready with this
document and if it please the Court, I will proceed to
read:

1 "I have deliberately talked with him" --
2 meaning DOHIHARA -- "several times not to commit such
3 atrocities but it appears he is continuing plans to
4 overthrow Chang and there is apprehension that he may
5 start another incident in the Peking-Tientsin area in
6 the near future."

7 MR. WARREN: If the Tribunal please, the part
8 just quoted by counsel I have been informed by our
9 interpretation section as well as some of the court
10 reporters that there appears to be a misinterpretation
11 and we should like at this time to request the Tribunal
12 to permit us to submit it to the court arbiters.

13 THE PRESIDENT: We will refer it immediately.
14 What do you suggest is wrong with it?

15 MR. WARREN: As I understand, the words,
16 "several times," probably would be "two times," or
17 not at least that many times; the word, "atrocities"
18 and what not, is not correct; and "deliberately talked"
19 appears to be incorrect, as near as I can recollect.
20 I have marked copies which I can give to them immed-
21 iately, both in the English and Japanese.

22 THE PRESIDENT: I do not know how long this
23 light will be on. I want to prevent you from giving
24 these copies to the arbiters. Let them give their
25 judgment in the first instance without reference to

1 any promptings.

2 MR. WARREN: Your Honor, I am sorry--

3 THE PRESIDENT: The time comes when I have
4 to speak against the red light to prevent things
5 from being done.

6 MR. WARREN: I am sorry, your Honor. Those
7 were merely copies which we had agreed on. We just
8 had marked the place so that they could find it in
9 referring to it was all.

10 THE PRESIDENT: I wanted to know whether
11 the changes were serious or not.

12 JUDGE NYI: Your Honor, in the interest of
13 saving time I think we can give this Japanese copy to
14 the witness and see what he thinks about it.

15 THE PRESIDENT: Major Moore will advise the
16 Court.

17 MR. WARREN: Thank you.

18 THE PRESIDENT: Proceed with something else
19 in the meantime.

20 JUDGE NYI: I will, thank you.

21 BY JUDGE NYI (Continued):

22 Q Mr. Witness, do you know that your telegrams
23 not only contained reports from sources of your own
24 but they were also corroborated by telegraphic reports
25 of the Japanese Consulate in Shanghai, Nanking and

1 Peiping regarding the activities of DOHIHARA?

2 A Regarding that point I did not have any
3 information pertaining thereto so I had no knowledge
4 of them.

5 Q Did you know that afterwards?

6 A I did not know because such telegrams were
7 not circulated to my Consulate General.

8 Q In the first paragraph on page 2 of your
9 affidavit you stated that your source of information
10 may be rumor. In your experience as a diplomat for
11 twenty years as of that time, was it customary for
12 you to report to your government rumors when you had
13 more reliable sources available?

14 MR. WARREN: I wish to object for two
15 reasons, your Honor. The first reason is that there
16 is no testimony that there were other reliable sources.
17 The second is that the prosecution itself has intro-
18 duced evidence which directly bears out the testimony
19 of this witness that any available source of informa-
20 tion was used and that it was the duty of the Consulate
21 office to draw conclusions. That is their testimony.

22 THE PRESIDENT: The question does assume that
23 more reliable sources of information were available.
24 Ask him, were they.

25 Q Mr. Witness, on two occasions did you say

1 that DOHIHARA came and spoke to your consulate -- to
2 the staff of your consulate? Were they rumors?

3 A DOHIHARA came to the Consulate General and
4 came to my own room only once and on that occasion
5 all we did was to exchange greetings and nothing more.

6 Q In two exhibits that you referred to it is
7 stated that you had personal conversation with DOHIHARA
8 with regard to the removal of Emperor Hsuang Tang to
9 Manchuria?

10 A I recollect that talks were held with General
11 DOHIHARA through a member of the staff of the Consulate
12 General on two or perhaps three occasions.

13 That is my interpretation. Therefore I object to the
14 question.

15 JUDGE WYI: Your Honor, the language is very
16 clear and this is the conversation with DOHIHARA, if
17 we read from the very beginning.

18 THE PROSECUTOR: The telegram states this way:
19 "I tried every means to persuade DOHIHARA but he was
20 insisting on the following points." It looks as though
21 you are within your rights in putting that question.

22 The objection is overruled.

23 This is a most difficult circumstance in
24 the circumstances and the difficulties should not be
25

1 Q Didn't you, in exhibit 289, say that "I told
2 him as my personal opinion that even if the Emperor's
3 emergence from retirement could be propagated as owing
4 to the desire on the part of the Chinese in Manchuria,
5 it would be preferable to see the results of the ses-
6 sion of the Board of Directors of the League, and in
7 case the Chinese are really desirous and ample meas-
8 ures can be taken, there would occur no difference
9 about his landing place to be Yin-Low or Dairen"?

10 MR. WARREN: If your Honor please, I have
11 the document before me and it appears patent to me
12 that the quotation is with reference to a conversa-
13 tion held with Emperor Pu-Yi, and not with DOHIHARA.
14 That is my interpretation. Therefore I object to the
15 question.

16 JUDGE NYI: Your Honor, the language is very
17 clear and this is the conversation with DOHIHARA, if
18 we read from the very beginning.

19 THE PRESIDENT: The telegram starts this way:
20 "We tried every means to persuade DOHIHARA but he was
21 insisting on the following points." It looks as though
22 you are within your rights in putting that question.

23 The objection is overruled.

24 This is a most difficult cross-examination in
25 the circumstances and the difficulties should not be

1 added to by making premature objections not properly
2 considered.

3 MR. WARREN: If your Honor please, I refer
4 your Honor to paragraph 5, and I think a perusal of
5 that will show that my objection was neither premature
6 nor immaterial. I am sincere in my belief that he was
7 speaking of the Emperor Pu-Yi and not of DOHIHARA.

8 THE PRESIDENT: Proceed to put the question.

9 JUDGE NYI. Thank you.

10 Q The next question I am going to put to the
11 witness relates to the telegram, exhibit 300.

12 THE PRESIDENT: You haven't received an
13 answer to any question yet. You were putting a ques-
14 tion but you were interrupted before you completed it.
15 You can abandon it if you like.

16 JUDGE NYI: These two statements are closely
17 related and I prefer to ask him when I have finished
18 asking him the questions relating to exhibit 300.

19 THE PRESIDENT: You will proceed differently
20 if you expect the Court to have an intelligent appre-
21 ciation of your cross-examination. You can not be allow-
22 ed to jump from one document to another without any
23 explanation. It makes it most difficult for us to
24 follow you if you do that.

25 JUDGE NYI: Thank you.

1 Q Mr. Witness, you stated this morning, and
2 also in the afternoon, that you did not have any dis-
3 cussion with regard to the moving of Emperor Pu-Yi
4 with DOHIHARA personally. After I read the sentence
5 beginning with "I told him as my personal opinion",
6 does that refresh your memory that you did have a
7 conversation with DOHIHARA?

8 A I do not have the original of the telegram
9 in my hands, so unless I am shown that particular
10 document it is difficult for me to reply. May I
11 have it shown to me?

12 (Whereupon, a document was shown
13 to the witness.)

14 The personal opinion mentioned in this docu-
15 ment is not my opinion, it is that of one of the staff
16 of the Consulate General, and therefore at the end of
17 this document you will find the words to the effect
18 that it was so said.

19
20 THE PRESIDENT: You distinguish between the
21 staff's opinion and your own in this very telegram.

22 THE WITNESS: In this particular telegram it
23 is said at the outset: "According to a report made
24 by a staff member of the Consulate General," and at
25 the end of this telegraphic report are the words, "he
so stated," and that is the way I filed the report.

1 THE PRESIDENT: Just listen to this: "To this
2 the staff of our Consulate advised him about the inter-
3 national situation and the relation with China proper.
4 Moreover, I told him as my personal opinion that even
5 if the Emperor's emergence from retirement could be
6 propagated" etc., etc.

7 Had you any reason to doubt the accuracy of
8 anything you told Tokyo on that occasion?

9 THE WITNESS: No. I had no reason to doubt.

10 THE PRESIDENT: Is there any need to cross-
11 examine on this?

12 JUDGE NYI: Well, we have just one point
13 which relates to exhibit 300 and I think the Language
14 Section has ready its report on the divergences, the
15 alleged divergences of the translations.
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1 THE PRESIDENT: Major Moore.

2 THE LANGUAGE ARBITER (Major Moore): If the
3 Tribunal please, exhibit 300, page 2, line 9, substitute
4 "fully" for "deliberately," "twice" for "several times"
5 and "rash acts" for "atrocities."

6 THE PRESIDENT: Read it now as amended.

7 THE LANGUAGE ARBITER (Major Moore): "I have
8 fully talked with him twice not to commit such rash
9 acts but it appears he is continuing plans to overthrow
10 Chang and there is apprehension that he may start another
11 incident in the Peking-Tientsin area in the near future."
12 BY JUDGE NYI (Continued):

13 Q After hearing this correction in my reading
14 have you anything to answer, Mr. Witness?

15 A There is nothing.

16 JUDGE NYI: This concludes our cross-examination.

17 THE PRESIDENT: Colonel Warren.

18 MR. WARREN: May the witness step down, your
19 Honor?

20 THE PRESIDENT: He is released on the usual
21 terms.

22 (Whereupon, the witness was excused.)

23 - - -

24 MR. WARREN: I want to make brief reference
25 to prosecution's exhibit No. 245. This is an affidavit

1 by Assistant Consul-General MORISHIMA and was introduced
2 by the prosecution and there are only two short sentences,
3 one in the middle of the fourth paragraph. I want
4 to refresh the Court's memory in connection with the
5 previous statement in which he states "In order
6 effectively to perform these duties and functions, the
7 Consul-General's office availed itself of all accessible
8 channels of information." He also states that one
9 of the sources was the Consular Police.

10 In the following paragraph he states: "It was
11 the duty and responsibility of our office to draw conclusions
12 from information so obtained" --

13 If the Tribunal please, at this point we should
14 like to offer in evidence defense document No. 2437.
15 This is a record of an interview with General DOHIHARA
16 taken on May 3, 1932. The interview was primarily
17 with Lord Lytton, Chairman of the Commission of Inquiry,
18 requested by the League of Nations, commonly referred
19 to as the "Lytton Report." It is an official United
20 States Government document and is duly certified to
21 by J.R. Lovell, Colonel, General Staff Corps, U.S. Army,
22 Deputy Director of Intelligence for Research, War
23 Department, General Staff. This document records the
24 official visit which General DOHIHARA had with the
25 Lytton Commission, and sets out his views with reference

1 to the events immediately following the Mukden
2 Incident, also his activities in Tientsin and Harbin.
3 It also deals with questions concerning Pu-Yi. There
4 are other references in the document to conditions
5 which then existed and which we believe to be of benefit
6 to the Tribunal. This document is offered for the
7 purpose of showing to the Tribunal that the Lytton
8 Commission had a great deal of confidence in the truth
9 and veracity of General DOHIHARA, inasmuch as a perusal
10 of the Lytton Report will show that in their statement
11 of fact with reference to the subject upon which they
12 conversed with General DOHIHARA, they accepted, in
13 almost every instance, his version of the situation. It
14 is offered for the further purpose of showing that this
15 ties into our general testimony, which will be offered
16 and which has been offered and which will be connected,
17 that contrary to the impression left by the evidence
18 of the prosecution, the accused, General DOHIHARA, did
19 have the confidence of the masses of people, as well as
20 of the officials of the places where he was stationed.
21 In fact, this document will show that Lord Lytton him-
22 self complimented General DOHIHARA on his accomplishment,
23 not only in his conversation with him on May 3, 1932,
24 but at a later date when the Lytton Report was compiled.
25

THE PRESIDENT: After that lengthy statement,

1 do you think you ought to read the document if it is
2 admitted?

3 MR. WARREN: I assume the Tribunal has the
4 document and have read it, and unless my co-counsel
5 see fit to read it if the Court desires to accept it,
6 I won't read it. I will talk to them and see what they
7 suggest.

8 We have no desire to read it.

9 THE PRESIDENT: The document is admitted on
10 the usual terms.

11 CLERK OF THE COURT: The volume entitled "Far
12 Eastern Commission of Inquiry" will receive exhibit
13 No. 3180 for identification only. The excerpts there-
14 from, being defense document No. 2437, will receive
15 exhibit No. 3180-A.

16 (Whereupon, the document above re-
17 ferred to was marked defense exhibit No. 3180
18 for identification; the excerpts therefrom
19 being marked defense exhibit No. 3180-A and
20 received in evidence.)

21 MR. WARREN: If the Tribunal please, I have
22 a running commentary here which I will disregard and ask
23 **them not to pay** attention to it for this reason: I
24 had intended to read extracts from the Lytton Report,
25 but I find in my marked copy since coming to court that

1 the prosecution had already read this and I will
2 merely make reference at this time to the fact that
3 General DOHIHARA was at Mukden for one month and put
4 the city back on an even keel and the Lytton Commission
5 praised him for that at that time. That appears on
6 page 88. And, there was another extract in substantiation
7 tiation which I will not read at this time.

8 May we have called at this time the witness
9 YAZAKI, Kanju.

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1 K A N J U Y A Z A K I, called as a witness on behalf
2 of the defense, being first duly sworn, testi-
3 fied through Japanese interpreters as follows:

4 MR. WARREN: May the witness be handed
5 defense document No. 2053?

6 (Whereupon, a document was handed
7 to the witness.)

8 DIRECT EXAMINATION

9 BY MR. WARREN:

10 Q Will you state your name and your present
11 address to the Court, please?

12 A My name is YAZAKI Kanju; my address is 167,
13 3-Chome, Nobuto-cho, City of Chiba.

14 Q Will you please look at the document which
15 you have in your hand and tell the Tribunal if that is
16 your affidavit and whether the contents are true?

17 A This is my affidavit, and the contents are
18 correct.

19 MR. WARREN: If the Court please, at this
20 time we desire to offer in evidence defense document
21 No. 2053 with certain deletions which I shall name,
22 which have been agreed upon with the prosecution.

23 On page 2, the second paragraph, "At the
24 time the China Affair broke," there is a comma there,
25 and then these words will be stricken and not offered:

1 "General DOHIHARA deeply regretted that it had come
2 about and" -- that will not be offered.

3 I have also agreed that on page 8, the middle
4 of the first paragraph, starting with the words,
5 "Whenever trouble arose," continuing through the
6 balance of that paragraph and ending with the words,
7 "Greater East Asiatic War" -- that I have agreed with
8 the prosecution that the objection has merit, and we
9 will not offer that.

10 However, I understand there are some other
11 sections which we could not agree upon, which the
12 prosecution will probably wish to make objection to
13 and have the Tribunal pass on its admissibility.

14 THE PRESIDENT: Judge Nyi.

15 JUDGE NYI: May it please the Tribunal, in
16 addition to the deletions made by my learned friend,
17 Mr. Warren, we have further objections to part of that
18 affidavit.

19 The part which we objected to appears on
20 page 5, paragraphs 1, 2, and 3, which extend to the
21 first line of page 6. This part of the affidavit con-
22 tains talks made by DOHIHARA on different occasions.
23 In our submission, they are both self-serving and
24 repetitious.

25 It is nothing but the utterance of DOHIHARA

1 after the hostilities broke out. One can white-
2 wash anything he does not think proper. So, this
3 will be of no probative value.

4 Furthermore, it is repetitious. Almost the
5 exact language was used in the SHIBAYAMA affidavit,
6 the last seven lines of page 1 of SHIBAYAMA's affi-
7 davit.

8 In substance, the talks referred to the under-
9 standing between the Chinese and the Japanese refrain-
10 ing from using force. Although it is amplified a
11 little bit here, we still do not see the necessity
12 of amplification.

13 We would like to refer to the ruling of this
14 Tribunal, made on September 11, with regard to the
15 press interview given to Hugh Byas, a British corres-
16 pondent. There your Honor correctly stated the law,
17 that no self-serving documents are admitted in
18 national courts. Furthermore, there were --

19 THE PRESIDENT: I think you have stated your
20 reasons sufficiently --

21 JUDGE NYI: Thank you.

22 THE PRESIDENT: -- but I find it difficult
23 to follow why you should ask us to strike only
24 numbered paragraphs 1, 2, and 3 on pages 5 and 6,
25 and leave other matter which seem to me to be equally

1 objectionable and which are related to those three
2 numbered paragraphs.

3 JUDGE NYI: We will, your Honor, if your
4 Honor suggests, object to the other parts which are
5 equally objectionable.

6 THE PRESIDENT: I am not here to advise you,
7 but just to understand you.

8 JUDGE NYI: Thank you.

9 In our submission, the deletion of these
10 three paragraphs might suffice the purpose.

11 THE PRESIDENT: Colonel Warren.

12 MR. WARREN: Your Honor, we submit that none
13 of these portions or the other portions referred to
14 are self-serving declarations. We would have to
15 assume that General DOHIHARA knew at the time these
16 declarations were made that we would have a Pacific
17 War and he would be in the box and would be tried, or
18 at least there must have been some intimation.

19 They are not speeches. They are explanations
20 of his policies, which he gave to his subordinate
21 officers, and the formulation of the policies, which
22 he had, he gave to them. It was not a speech, and
23 the man who testified was his subordinate officer and
24 testified what he heard.
25

They are not newspaper articles printed by a

1 man for the press.

2 They are not repetitious because the period of
3 time spoken of here does not cover the same period of
4 time spoken of in the previous affidavit.

5 I submit, your Honor, that, insofar as my
6 practice of law permits me to state, this would be
7 admitted, this document and testimony would be admitted,
8 in any criminal proceedings in any court in the United
9 States, and any failure to admit it would place the
10 Court in jeopardy of reversible error.

11 THE PRESIDENT: We do not want to know what
12 would be done in the United States or in Britain or
13 anywhere else; but, I am quite sure what you said is
14 an exaggeration.

15 MR. WARREN: Your Honor, I am quite sure it
16 isn't.

17 THE PRESIDENT: I am concerned with the way
18 the affidavit will be left if the objections taken are
19 sustained. However, we cannot add to the objections.

20 The objection is upheld and the document is
21 admitted as to the part unobjected to and not deleted,
22 on the usual terms.

23 CLERK OF THE COURT: Defense document 2053
24 will receive exhibit No. 3181.

25 (Whereupon, the document above referred

1 to was marked defense exhibit No. 3181 and
2 received in evidence.)
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MR. WARREN: He states:

1 "My name is YAZAKI, Kanju, and that I was
2 a professional army officer and held the rank of
3 Lieutenant General at the termination of hostili-
4 ties between the Allied Nations and Japan. That
5 during my life as an army officer I became well and
6 personally acquainted with one DOHIHARA, Kenji, who
7 is now one of the accused on trial before the Inter-
8 national Military Tribunal for the Far East. My
9 acquaintance with the former General DOHIHARA covers
10 a number of years and I have been intimately ac-
11 quainted with him since the time I was a Captain.
12

13 "Prior to the China Incident and during the
14 month of March 1937, the accused DOHIHARA was ap-
15 pointed Commander of the 14th Division of the Japanese
16 Army, which was then stationed in Utsunomiya, on the
17 Island of Honshu, in Japan, which was its permanent
18 station. At the outbreak of the China Incident in
19 July 1937, the accused DOHIHARA was still the Com-
20 mander of the 14th Division and I was then a Lieu-
21 tenant Colonel on his staff. In August we were ordered
22 to North China, where we were engaged in military
23 operations in the region along the Peking-Hankow
24 Railroad, where I continued to serve as his staff
25 officer.

1 "At the time the China Affair broke and
2 when we were departing to North China under our
3 mobilization orders he gave us instructions and
4 orders, which were later repeated on the battle-
5 field, in which he emphasized that the China Affair
6 was not a war of aggression but was aimed ultimately
7 at cooperation between Japan and China. He espe-
8 cially enjoined us that a rigid enforcement of
9 regulations and orders pertaining to the protection
10 of the Chinese people would be had. During operations
11 and on the battlefield Divisional Commander DOHARA
12 gave his primary attention to purely strategic mat-
13 ters and, of necessity, left the details to his sub-
14 ordinates. However, he never lost sight of his duty
15 as an officer to his subordinates and never hesitated
16 to assist them personally in the discharge of their
17 duties, whether they were important or trifling, when
18 it came to the protection of the Chinese people. He
19 used to pay minute attention to duties concerning
20 Chinese people to avoid injury or oppression on non-
21 combatants.

22 "In order to illustrate my point, I would
23 like to cite some examples which I have personally
24 seen.
25

"Once during operations on the river

1 Yungting-ho his men had decided to use a Chinese
2 farmer's house to set up a command post for General
3 DOHIHARA. However, when this was called to the atten-
4 tion of General DOHIHARA, he noticed there were
5 Chinese women and children taking refuge in the
6 house, and forbade his subordinates to enter. He
7 had his office located in front of the house where
8 he, his staff officers and subordinates camped in
9 the open air and attended to their business.

10 "Again near Paoting he observed some of his
11 men burning firewood which belonged to Chinese
12 farmers, which they had appropriated in order to
13 warm themselves. General DOHIHARA immediately rode
14 to the spot on horseback, scolded them soundly and
15 made them stop at once.

16 "Again, near Paoting General DOHIHARA saw
17 a Japanese soldier on the march having a Chinese
18 carry his knapsack, and immediately reprimanded the
19 soldier. The soldier stated that he had employed the
20 Chinese and had promised to pay him for the work. In
21 order to be fair General DOHIHARA ordered the Japanese
22 soldier to re-negotiate with the Chinese in his
23 presence and when it became clear that the soldier
24 could not speak the Chinese language the General ordered
25 that the soldier immediately relieve the Chinese of

1 the knapsack and cautioned him severely concerning
2 his future conduct in such matters.

3 "Many such instances could be set forth.
4 However, I mention these three only to show that
5 even in matters which might be considered as
6 trifling General DOHIHARA did not permit the abuse
7 of civilians and noncombatants. I have heard his
8 subordinates on more than one occasion state in
9 substance, 'Our Divisional Commander loves the
10 Chinese better than the Japanese soldiers.'

11 "General DOHIHARA had a high regard for
12 the Chinese people and for noncombatants, as such. I
13 have never known an occasion when the Chinese general
14 public in any jurisdiction under the command of
15 General DOHIHARA were not settled and peaceful
16 towards the Japanese forces under his command. They
17 continued in their business operations without inter-
18 ruption and their stores and merchandising establish-
19 ments continued to prosper. It was not uncommon for
20 the Chinese to assist the Japanese soldiers volun-
21 tarily in drawing water, preparing meals, cleaning
22 houses, carrying goods and other such daily routine
23 matters. In fact, their regard for General DOHIHARA
24 was such that they would inform him of any bandit
25 attack which they anticipated."

1 Obviously to read the next paragraph would
2 be futile, and I shall not do so.

3 Continuing on page 6:

4 "Not only did General DOHIHARA often speak
5 in the manner which I have just related, but he en-
6 deavored to execute his own views and to place them
7 in practice. It was not a matter of mere words with
8 him, but also a sincere attitude on his part, and he
9 was known throughout the division for his sincerity
10 to his ideals and teachings.

11 "All I have stated is just by way of illus-
12 tration of the attitude of General DOHIHARA and his
13 behavior in camp and on the battlefields. He was
14 constantly instructing and advising not only his
15 staff officers, but all of his subordinate officers
16 and men and we found his instructions and admonitions
17 to be of great value in peacefully dealing with the
18 Chinese people.

19 "As I knew him well General DOHIHARA often
20 confided in me; both by his behavior and his speech
21 I knew he held an opinion opposed to the China Affair
22 from the very beginning. However, as an army officer,
23 he had no choice except to obey the orders of his
24 superiors, but even in camp, to his intimates, he
25 always deplored the China Affair.

1 "In the 13th year of Showa, February, 1938,
2 due to illness, I was returned to Japan and served
3 with the basic echelon of the 14th Division at Utsuno-
4 miya. After my return I continued to have correspon-
5 dence with General DOHIHARA and one of the letters which
6 I received was under date of April 22, 1938. This
7 letter was safe-handed (carried by messenger) from
8 the North China fronts and I still have it in my
9 possession. In this letter he states:

10 "Our state has no basic strategic principle
11 established for the affairs and seems to be operating
12 passively decoyed by the opponents and is, as it were,
13 leading a hand-to-mouth existence. Moreover, without
14 strengthening the scaffold on which she stands, she
15 supports both the North and the Central China new
16 regimes, which are just like castles on the sand, and
17 unconscious of the urgent need of consolidating the
18 foundation, tries to arrange mere formalities of these
19 governments. I am greatly disappointed at this atti-
20 tude of our state, and am very much concerned about
21 it. I have no intention to rejoice in giving a big
22 talk which is of no use. I beg you to explain, when-
23 ever you may have a chance, to the authorities with
24 regard to the above-mentioned points and call for
25 their reflection...'

1 "By way of explanation, the north regime refund
2 to was Wang Ko-min's temporary government, and the
3 Central China Government was Liang Hung-chih's
4 restoration government. Knowing General DOHIHARA as
5 I had, I knew this letter was but another of his pro-
6 tests against the entire China Affair, I realized that
7 he knew his views were shared by me and that he expected
8 me, wherever possible, to assist him.

9 "General DOHIHARA, from young manhood onward
10 through his career cherished an ideal for enhancement
11 of friendly relations between Japan and China, and
12 while he was in the Army College he made a special
13 study of the Chinese language and of the history of
14 China. After graduation he was appointed a member
15 of the General Staff and was sent to China, where he
16 stayed for many years. His name became well known,
17 even to the Chinese civilians. During his years in
18 China and Manchuria he served on two occasions as
19 Chief of the Special Services Organization at Mukden.
20 This organization was primarily for the purpose of
21 gathering military information and intelligence.

22 "I desire to further state that I have personal
23 knowledge of everything I have stated in this affidavit."
24

25 THE PRESIDENT: Judge Nyi.

JUDGE NYI: If it please the Tribunal, the

1 prosecution has a few questions to ask the witness.

2 CROSS-EXAMINATION

3 BY JUDGE NYI:

4 Q Mr. Witness, beginning the middle of page 4
5 of your affidavit, you spoke of the movement of the
6 Chinese general public in the war areas. Have you
7 been attached to some other units besides DOHIHARA's
8 in the China War?

9 A Yes, I have.

10 Q According to your knowledge, was it customary
11 for the local Chinese residents, after the operations
12 were over, to move back and to resume their
13 occupation?

14 A Yes, it was.

15 Q Have you any knowledge as to how many per cent
16 of the local population were forced to leave their
17 homes and go and settle down in the interior?

18 A I do not know.

19 Q In the third paragraph on page 6 of your
20 affidavit, you stated that DOHIHARA was opposed to
21 the China Affair from the very beginning. By "China
22 Affair" do you mean the hostilities which started at
23 Marco Polo Bridge in 1937?

24 A That was my intention in speaking of it.

25 Q Did General DOHIHARA ever tell you that he

1 deplored the Mukden Incident in 1931?

2 A No, I did not hear such a thing at the time
3 of the Manchurian Incident of 1931.

4 Q I am not asking you whether you heard any-
5 thing at the time of the happening of the Mukden
6 Incident in 1931, but I am asking you whether you
7 heard anything that he deplored the Mukden Incident
8 after that?

9 A I have heard such comments frequently.

10 Q From General DOHIMARA?

11 A Yes.

12 THE PRESIDENT: We will recess for fifteen
13 minutes.

14 (Whereupon, at 1445, a recess was
15 taken until 1500, after which the proceedings
16 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Judge Nyi.

4 BY JUDGE NYI (Continued):

5 Q Mr. Witness, just before the recess you
6 were telling us that General DOHIHARA also deplored
7 the Mukden Incident.

8 A Yes, that is so.

9 Q But you didn't see fit to put this in your
10 affidavit, did you?

11 A That is not the case. I only wrote in my
12 affidavit parts of the matters relating to General
13 DOHIHARA and not all.

14 Q Do you know that not long after he wrote
15 you the letter which you refer to in your affidavit
16 General DOHIHARA was summoned back to Japan and he
17 was given an important assignment to head a Kikan
18 or an organ called the DOHIHARA Organ to work for
19 the withdrawal of Chinese Generals from current
20 hostilities?

21 A I heard of that as a rumor, but I did not
22 hear that directly from General DOHIHARA.

23 Q How do you know that was a rumor?

24 A I do not know.

25 JUDGE NYI: We have no further questions.

1 MR. WARREN: At this time may the witness
2 step down, your Honor?

3 THE PRESIDENT: He is released on the
4 usual terms.

5 (Whereupon, the witness was ex-
6 cused.)

7 MR. WARREN: We will call as our next
8 witness WATASE, Ryosuke.

9 - - -
10 R Y O S U K E W A T A S E, called as a witness on
11 behalf of the defense, being first duly sworn,
12 testified through Japanese interpreters as
13 follows:

14 DIRECT EXAMINATION

15 BY MR. WARREN:

16 Q Will you state your name and your present
17 place of residence to the Tribunal, please?

18 A My name is WATASE, Ryosuke; my present ad-
19 dress, No. 857 Shimotakaido, 4-chome Suginamiku,
20 Shibayama, Tokyo.

21 MR. WARREN: May the witness be handed
22 defense document 2107?

23 (Whereupon, a document was handed
24 to the witness.)

25 Q Will you look at that document which you

1 have, Mr. Witness, and tell the Tribunal whether or
2 not that is your affidavit and if the contents
3 thereof are true.

4 A This is my affidavit, and its contents are
5 true.

6 MR. WARREN: At this time, your Honor, we
7 should like to offer in evidence defense document
8 No. 2107.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2107
11 will receive exhibit No. 3182.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3182 and received in evidence.)
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1 MR. WARREN: The witness states:

2 "That at the present time I am employed by
3 the Tokyo Mainichi Press as a member of their staff,
4 as Chief of the Investigation Board of the Editor
5 Bureau. I have been asked if I am acquainted with
6 the accused LOHIHARA, Kenji, and if I were familiar
7 with his activities immediately following the Lukou-
8 chiao Incident of 7 July 1937 (12th year of Showa).

9 "At that time I held the post of Vice Chief
10 of the Political Department of the Osaka Mainichi
11 Press and shortly after July 7, 1937, to be exact on
12 July 14, 1937, I arrived at Tientsin. The China In-
13 cident had not been settled locally and, as I recall,
14 one of the objects then in mind was for the Army to
15 advance towards Pouting. The operation was under the
16 direct command of Lieutenant General KATSUKI, Kiyoshi,
17 who initiated the actions and was in active command
18 of the offensive operations. As I recall, there were
19 three divisions, one under the command of General
20 TANI, Hisao, who took the central offensive along the
21 Ching-Han line. This was the 6th Division. Lieuten-
22 ant General KAWAGISHI, Bunsaburo, was on the right of
23 the border between Hopei and Shansi Provinces, while
24 Lieutenant General DOHIHARA moved on the left in the
25 direction of Kuan and Manching, moving almost south

1 toward Pouting.

2 "I was attached to the correspondent work
3 with the Tani unit and consequently on the march to
4 Pouting I was not in a position to observe General
5 DOHIHARA. However, our move was successful and
6 without encountering any major opposition we, that
7 is, the Tani unit, entered into the fortress of
8 Pouting on September 24, 1937. The unit under the
9 command of General DOHIHARA entered the following day.
10 As soon as I learned General DOHIHARA had arrived,
11 I went to visit him at his command headquarters, where
12 I held a conversation lasting over a period of approx-
13 imately two hours. We had many interruptions but I
14 would state that I talked with him during that period
15 of time at least one hour. I found him very cooper-
16 ative, frank, and perfectly willing to answer my ques-
17 tions. As nearly--"

18
19 At this point in my printed copy they left
20 out a complete line and it should read: "As nearly as
21 I can recall the conversation General DOHIHARA in an-
22 swer to my questions, told me that apparently because
23 of the action of Japan there was little choice except
24 to continue an offensive; that after the initial step
25 had been taken it was foolish to hope that the attack
on Pouting would conclude Japan's action against China;

1 that the original incident, regrettable as it was,
2 had aroused the Japanese to the point where further
3 action unquestionably would have to be taken."

4 I am sure that word "Japanese" should be
5 "Chinese."

6 "He told me that the National Government
7 would certainly continue to resist and that the only
8 alternative was for the Japanese Army to withdraw
9 of its own accord, and it did not appear that any such
10 action would be taken by those in command. When asked
11 how far he believed Japan would have to advance, he
12 answered in substance, that since such conditions had
13 come to pass as I, as a correspondent, had observed,
14 that Japan has no way but to continue to attack, be-
15 cause the Chinese territory is boundless and it was
16 impossible for him to state how far he believed Japa-
17 nese forces would be required to go. He said there
18 were many great difficulties before the Japanese and
19 that no hasty judgment could be formed. However, he
20 did state that the Chinese public, as distinguished
21 from the Central Government, could not be considered
22 as enemies of Japan and that to consider them as such
23 would be a great mistake. Believing such to be true,
24 he had placed rigid discipline on his troops with re-
25 ference to the treatment of Chinese civilians; that he

1 had warned his forces not to harass the Chinese public
2 or non-belligerents, and that especially in time of
3 battle his subordinates were not to injure the
4 general feeling of the Chinese public. He stated that
5 it was his policy to strictly punish, by military dis-
6 cipline, those who conducted themselves in any manner
7 so as to harass the peaceful general public under any
8 situation that was not absolutely necessary, in order
9 to safeguard their own lives and property. He stated
10 that this policy would be put in practice within his
11 jurisdiction because Japan should never cause the
12 Chinese public to become her enemy. In short, General
13 DOHIHARA was deeply worried about the future of the
14 Sino-Japanese war, was willing to talk about it, and
15 displayed, by his actions, his feelings in the matter.
16 He was genuinely concerned over the enormous damage
17 which would inevitably result to the Chinese public.

18 "I was particularly impressed with the fact
19 that General DOHIHARA did not display a single sign
20 of pleasure as a result of the victorious attack on
21 Pouting. On the contrary, I observed his deep worry
22 about the future as caused by the incident. As the
23 same time, after my interview with General DOHIHARA,
24 I felt that I had come closer in touch with the real
25 nature of the Sino-Japanese war than ever before. I

1 came to seriously consider that Japan had now reached
2 the moment when she must reconsider the then current
3 situation. General DOHIHARA's interview had a pro-
4 found effect upon my understanding of Sino-Japanese
5 relations.

6 "Subsequently, I was not attached to General
7 DOHIHARA's unit but I had many friends who were, and
8 while I did not question his sincerity, I was inter-
9 ested to see whether he would continue the policy
10 towards the Chinese people which he had outlined.
11 I had many friends who were with DOHIHARA's unit
12 from time to time and in my conversations with them
13 they verified that not only did he carry out the
14 policy, but as a matter of fact so strict was he with
15 reference to his subordinates in carrying out the po-
16 licy which he had outlined that there was often some
17 dissatisfaction among his troops, and that they some-
18 times openly stated to the correspondents that it ap-
19 peared as though General DOHIHARA loved the Chinese
20 more than he did his own soldiers, and that he might
21 treat them a little more liberally, especially in war
22 time. It is true there was dissatisfaction with
23 General DOHIHARA's troops and that it was generally
24 attributed to the strict control which he exercised
25 with reference to the treatment of non-combatants.

1 "It is also a fact that this strictness on
2 the part of General DOHIHARA became widely known
3 among the Chinese public and it is also a fact that
4 they would remain in their homes when General
5 DOHIHARA made an advance into their territory. As
6 a result of that treatment, it is also true that the
7 Chinese public supplied provisions and labor and
8 otherwise assisted General DOHIHARA's unit."

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1 THE PRESIDENT: Judge Nyi.

2 JUDGE NYI: Your Honor, the prosecution
3 does not desire to cross-examine this witness.

4 THE PRESIDENT: The witness is released on
5 the usual terms.

6 (Whereupon, the witness was ex-
7 cused.)

8 MR. WARREN: If the Language Section will
9 refer to my running commentary, page 2, last para-
10 graph -- At this point, if the Tribunal please, I
11 should like to offer in evidence defense document
12 1498 which is an article appearing in the Japanese
13 periodical "Bungei Shinju" for March, 1937. This
14 article was written by General DOHIHARA and will
15 substantiate the testimony of our witnesses who
16 testified to the effect that General DOHIHARA had
17 certain well defined ideas concerning the relation-
18 ship between Japan and China, but that, in addition,
19 he incorporated his ideas into a well defined policy
20 which he enforced in the field. This document will
21 show he also used whatever medium he had at his com-
22 mand to carry his message to the Japanese people.
23 The document reflects the thoughts, ideas and feel-
24 ings of the accused at that time, and shows con-
25 clusively that his published ideas were diametrically

1 opposed to any common plan or purpose which might
2 bring him within the purview of the alleged con-
3 spiracy charged in the Indictment in the Counts
4 thereunder.

5 Now, if the Tribunal please, if this docu-
6 ment is accepted, it is rather lengthy and the Tri-
7 bunal has undoubtedly scanned it, we do not desire
8 to read it.

9 THE PRESIDENT: Judge Nyi.

10 JUDGE NYI: May it please the Tribunal,
11 the prosecution objects to the introduction of this
12 document on the ground that it is both self-serving
13 and repititious. I am not going to repeat what I
14 have just stated with regard to the talks in the
15 YAZAKI affidavit. I would just like to point out
16 to the Tribunal that the gist of this document, of
17 this speech, this article may be gathered from the
18 second paragraph on page 1. It reads, "In a word,
19 we may say that this was caused from the fact that
20 the Chinese people were not thoroughly informed as
21 to our real intentions and, on the contrary, our
22 activities up to this day have only led them to har-
23 bour the feeling of suspicion and misunderstanding."
24 In other words, he was urging understanding the
25 Chinese and the Japanese people which had been

1 brought up in SHIBAYAMA's affidavit, the last few
2 lines of page 1, and also in the affidavit of the
3 last witness, Mr. YAZAKI.

4 This is a written article, and the speech
5 is self-serving. Documents like press interviews
6 have been rejected by this Tribunal in the last
7 few days; and, in our submission, there is little
8 difference between a written article and speeches
9 and also the press interviews which have already
10 been rejected.

11 THE PRESIDENT: Colonel Warren.

12 MR. WARREN: We submit, your Honor, as a
13 matter of legal principle, a document written by an
14 accused during a period of time when an alleged con-
15 spiracy is supposed to be leading its life is not a
16 self-serving declaration. This document sets out
17 the feelings of General DOHIHARA at that time with-
18 out any thought in his mind or any intimation that
19 he would be in the box or might be tried for his
20 acts.

21 As for newspaper articles and magazine re-
22 ports and so on, the Court has ruled on those, as
23 I understood, because they were liable to reflect
24 the editorial opinion of the writer. This is the
25 work of the accused, himself, and their objection

1 could not possibly lie in the estimation of this
2 counsel. It is not repititious because this is the
3 first and will be the only document which we offer
4 in defense of General DOHIHARA which was compiled
5 and written by himself.

6 JUDGE NYI: Your Honor, this article was
7 written in March, 1937. This was after the Mukden
8 Incident, 1931, and also the 1935 confusion in
9 North China. It is self-serving in our submission.
10 On a similar occasion my learned --

11 THE PRESIDENT: Do not repeat that. We
12 do not want to hear that twice. It is doubtful as
13 to whether you should be heard at all a second time.
14 By a majority, the objection is overruled and the
15 document admitted on the usual terms.

16 CLERK OF THE COURT: The periodical "Bungei
17 Shunju," dated March, 1937, written by DOHIHARA,
18 Kenji, will receive exhibit No. 3183 for identifi-
19 cation only. The excerpt therefrom, being defense
20 document 1498, will receive exhibit No. 3183A.

21 (Whereupon, the book above re-
22 ferred to was marked defense exhibit
23 No. 3183 for identification; and document
24 1498, an excerpt therefrom, was marked
25 defense exhibit No. 3183A and received
in evidence.)

1 THE PRESIDENT: You told us what is in it.

2 MR. WARREN: At this time, may we call the
3 witness SAKURAI.

4 - - -

5 DIRECT EXAMINATION

6 BY MR. WARREN:

7 Q. Will you state your name and your present

8 address to the Tribunal, please?

9 A. My name is SAKURAI, Tokumasa. My present

10 address is 55-2, Tsurugaya-cho, Gin-ku, Tokyo.

11 MR. WARREN: May the witness be asked

12 a question?

13 The witness answered: Yes.

14 Q. Now, will you state

15 what you told the Tribunal on the 15th of April, 1945,

16 and tell the Tribunal whether or not that is all the

17 facts and nothing more that you told the Tribunal on that

18 date, that is, if you have nothing more to say, say

19 "That is all, Mr. President."

20 A. Yes, Mr. President, that is all.

21 Q. Now, will you state what you told the Tribunal on the

22 15th of April, 1945, and tell the Tribunal whether or not

23 that is all the facts and nothing more that you told the

24 Tribunal on that date, that is, if you have nothing more to

25 say, say "That is all, Mr. President."

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1 TOKUSABURO SAKURAI, called as a
2 witness on behalf of the defense, being first
3 duly sworn, testified through Japanese inter-
4 preters as follows:
5

6 DIRECT EXAMINATION

7 BY MR. WARREN:

8 Q Will you state your name and your present
9 address to the Tribunal, please?

10 A My name is SAKURAI, Tokusaburo. My present
11 address is 665 Yukigaya-cho, Ota-ku, Tokyo.

12 MR. WARREN: May the witness be handed
13 defense document 1485?

14 (Whereupon, a document was handed
15 to the witness.)

16 Q Will you look at the document which you hold
17 and tell the Court whether or not that is your affi-
18 davit and whether or not the contents thereof are true?

19 A Yes, this is my affidavit and it is correct.

20 MR. WARREN: At this time, if the Tribunal
21 please, we offer in evidence defense document No.
22 1485, but by agreement with the prosecution, we wish
23 to delete therefrom paragraph 4 on page 3, commencing
24 with the words "On 18 April 1938," continuing through
25 the entire paragraph.

THE PRESIDENT: That means the whole of

1 page 4 goes out.

2 MR. WARREN: Yes, sir, it does, your Honor.
3 And page 10, or page 9, paragraph 12, commencing with
4 the words "I had been personally acquainted" and con-
5 tinuing through the balance of the affidavit.

6 THE PRESIDENT: Admitted on the usual terms,
7 subject to those deletions.

8 CLERK OF THE COURT: Defense document 1485
9 will receive exhibit No. 3184.

10 (Whereupon, the document above
11 referred to was marked defense exhibit No.
12 3184 and received in evidence.)

13 MR. WARREN (Reading): "1. While I was
14 serving as a staff officer of the 5th Division, from
15 May, 1932, to July, 1934, General DOHIHARA was Com-
16 mander of the 9th Infantry Brigade, belonging to the
17 same Division.

18 "2. I was appointed a staff officer of the
19 1st Army Corps immediately after the outbreak of the
20 China Incident in August, 1937, and remained in this
21 position until November, 1938. In the meantime, General
22 DOHIHARA was Commander of the 14th Division, belong-
23 ing to the 1st Army Corps.

24 "From 15 April to 12 June, 1938, while I was
25 thus serving as a staff officer of the First Army

1 Corps, the 14th Division carried out the following
2 operations simultaneously with the battle of Hsuehchow:
3 the crossing of the Yellow River, the interception of
4 the Lung-Hai Railway and the capture of positions
5 around Langfeng and of the walled city of Kaifeng.
6 In the course of these operations, I was attached to
7 the 14th Division as an additional staff officer in
8 charge of operations. Serving on the staff of General
9 DOHIHARA, and receiving practical training from him
10 night and day in the thick of battle, I performed my
11 duties as a staff officer responsible for operations,
12 while fierce fightings went on.

13 "3. Early in 1938, the headquarters of the
14 1st Army Corps was in Shihkiachwang (now called Shihmen)
15 and the headquarters of the 14th Division in Sinsiang
16 (about two hundred and fifty miles to the south of
17 Shihkiachwang.) I was chiefly engaged in the service
18 of supply, as a staff officer of the Third Section in
19 the headquarters of the 1st Army Corps. A part of the
20 Supply Unit with motor lorries of the Transport Unit,
21 and of the Communication Unit, under the direct com-
22 mand of the 1st Army Corps, were temporarily attached
23 to the 14th Division stationed at Sinsiang. Officers
24 and men of these units who, either having been relieved
25 of their duties or having served their time in the

1 garrison area of the 14th Division, and returning to
2 the 1st Army Corps, unanimously told me as follows:

3 "General DOHIHARA had such deep concern over
4 the protection of the Chinese masses that he always
5 issued strict orders. At the same time, he taking
6 the lead personally saw to it that his orders were
7 actually carried out, and so, all members of the
8 Division thoroughly observed his orders. Consequently,
9 whatever region the DOHIHARA Division occupied, its
10 inhabitants, who had taken refuge elsewhere, would
11 come back to their homes in a day or two and resume
12 their work as peacefully as before. As for the de-
13 gree of General DOHIHARA's love towards his sub-
14 ordinates, there was among the officers and men of
15 supply units such saying as Chinese civilians first,
16 then the 14th Division, and then units directly
17 attached to the 1st Army Corps."
18

19 * * *

20 "5. Early in May, 1938, in order to carry
21 out the operation of crossing the Yellow River, my
22 division had to leave Sinsiang, site of the divisional
23 headquarters for Puyanghsien, to the east of Sinsiang,
24 where we were to begin our preparations for that
25 crossing operation. The people of Sinsiang had such
great confidence in General DOHIHARA that we could not

1 leave the place without bidding farewell to the
2 President of the Business Club, and all others. How-
3 ever, a river crossing operation required, first of
4 all, to be kept secret, and to tell them that we were
5 moving to the east would have revealed the movements
6 of our division. Therefore, although we were in
7 reality moving to the east, I told the President of
8 the Business Club that we were going westward. There-
9 upon, the President of the Business Club said that he
10 was sorry to part from General DOHIHARA, whom he loved
11 and admired from the bottom of his heart, that the
12 Sinsiang inhabitants would like to give a grand fare-
13 well banquet in his honor, and all men and women,
14 both young and old would like the streets and when we
15 started. As a staff officer in charge of operations,
16 however, I had to dissuade him from doing anything of
17 the sort because it was sure to reveal the movement of
18 the division. Thus, on May 5, 1938, the headquarters
19 of the Division started by train from a small station,
20 over five miles distant from Sinsiang, instead of
21 starting from Sinsiang station, which was more likely
22 to attract public attention. Once the people of Sing-
23 siang gave to General DOHIHARA a piece of red bunting
24 with letters in gold, in praise of his high moral
25 character.

1 "6. On the night of 11 May, 1938, in the
2 face of the enemy, the 14th Division under the command
3 of General DOHIHARA resolutely carried out the opera-
4 tion of crossing the Yellow River in the vicinity of
5 Puyang-Hsien, and the enemy by surprise by virtue of
6 thorough preparations and the bravery of the officers
7 and men, dealing the opposing forces a severe blow
8 and succeeding in the extremely difficult operation
9 of crossing a river in the face of the enemy. Then
10 a chase started on the following, 12th. When marching,
11 I always rode on a horse and proceeded immediately
12 behind General DOHIHARA. On the evening of the 12th,
13 we caught sight of the war-stricken Chinese, young
14 and old, with quilts on their backs, fleeing south-
15 wards across a vast plain and taking cover in an
16 immense expansion of barley fields. Noticing this,
17 General DOHIHARA ordered his interpreter, TAKEDA, the
18 chief guard, and some others, who were marching be-
19 side him, to tell the Chinese as follows:

20 "The Japanese Army have not the slightest
21 intention of attacking anyone but the Chinese forces
22 who oppose us. The people at large had better return
23 to their homes and resume their work.' In addition,
24 General DOHIHARA himself, speaking in Chinese, told
25 men, women and children hurrying by with quilts on

1 their backs to return to their homes. Although the
2 villagers fled at first from their homes, they, rely-
3 ing on the words of the General and his men, returned
4 afterwards to their village. After they returned
5 home, they served tea and refreshments to the officers
6 and men of the Japanese Army.

7 "7. Our Division launched an attack on the
8 walled city of Kaifeng in the afternoon of June 5.
9 It was customary in those days, before launching an
10 attack on any city, for us to be given by the high
11 command a large-scale map on which were marked in red
12 ink positions of churches, hospitals, and establish-
13 ments that were within the rights and interests of the
14 United States, Great Britain, France, etc. We were
15 under strict orders not to direct shell fire or launch
16 attack against them. In the walled city of Kaifeng
17 were also such churches, hospitals, and other build-
18 ings belonging to America and England. Laying par-
19 ticular stress on this point, therefore, General
20 DOHIHARA repeatedly warned his men, giving additional
21 orders to be cautious in their assault, especially in
22 artillery attack.

23 "8. On the night of the 5th of June, our
24 Division captured the walled city of Kaifeng. A sec-
25 tion of our forces mopped up enemy remparts in the

1 city, while other units pursued the retreating enemy
2 far in the direction of Chungmow. Soon after the
3 occupation, in the evening of the 6th of June, General
4 DOHIHARA, accompanied by his staff officers, inspected
5 the walled city, lest looting and similar acts should
6 be committed. The inhabitants had all fled because of
7 the previous day's bombardment, and there was hardly
8 a soul to be seen in the streets. When General
9 DOHIHARA turned a street corner, he saw a Japanese
10 soldier coming out of a Chinese house with a chicken
11 in his right hand; whereupon, he spoke directly to the
12 soldier, 'You should not have looted a Chinese civilian,
13 disobeying my every day instructions. What if its
14 owner upon his return should think that Japanese
15 soldiers had stolen his chicken? Return it at once to
16 where it came from!' The Division Commander personal-
17 ly setting good examples, even the rank and file came
18 to observe thoroughly his instructions. In due course,
19 the name of 'the DOHIHARA Unit' became the equivalent
20 of 'doing no harm to Chinese civilians.' As it
21 gradually became known to the refugee Chinese civilians
22 that that very DOHIHARA Unit captured the walled city
23 of Kaifeng, two days later they came back to resume
24 their daily work.
25

"9. Just when the TESHIMA Brigade pursued

1 the enemy to the vicinity of Chungmow, the enemy broke
2 open the Yellow River embankment, instantly the
3 district was flooded over. The IWAKURA Engineers
4 Unit was engaged in the rescue work with the help of
5 their collapsible boats. When the unit commenced this
6 rescue operation a large number of Chinese civilians
7 also were suffering damages. The Chinese who were
8 rescued from drowning expressed their hearty thanks
9 to the Unit.

10 "10. For this operation action, General
11 DOHIHARA praised Colonel IWAKURA, of the Engineers,
12 who commanded the Engineers Unit.

13 "11. While our Division was on the south-
14 ward march for the purpose of intercepting the Lunghai
15 Railway, at night we often saw fire burning in the
16 distance. On such occasions, General DOHIHARA looked
17 back at me and urged me to take all possible pre-
18 cautions lest Chinese houses shall be burnt. He said,
19 'Warn my subordinates repeatedly to put fire out com-
20 pletely whenever they leave camping grounds, so that
21 no fire may break out.' General DOHIHARA continuously
22 enforced strict discipline among his men in regard to
23 fire, so that not a single house was burnt in the
24 Division's operational and garrison area. * * * "
25

THE PRESIDENT: Judge Hsiang.

JUDGE HSIANG: If it please the Tribunal, the prosecution does not propose to cross-examine the present witness.

THE PRESIDENT: He is released on the usual terms.

(Whereupon, the witness was excused.)

MR. WARREN: May we have HATTORI, Takushiro?

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1 T A K U S H I R O H A T T O R I, called as a wit-
2 ness on behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION .

6 BY MR. WARREN:

7 Q Will you state your name and present address
8 to the Tribunal, please?

9 A My name is HATTORI, Takushiro. My address is
10 No. 42 Honmura-Cho, Shinkuku-ku, Tokyo.

11 MR. WARREN: May the witness be handed defense
12 document 2230?

13 (Whereupon, a document was handed to the
14 witness.)

15 Q Will you examine that document, please, and
16 tell the Court whether or not that is your affidavit
17 and if the contents thereof are true?

18 A This is unquestionably my affidavit. Its
19 contents are true.

20 MR. WARREN: At this time, if the Tribunal
21 please, we offer in evidence defense document 2230
22 except the last paragraph on page 3 commencing with
23 the words "knowing the situation" and ending with
24 "Nomonhan Incident."
25

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2230
2 will receive exhibit No. 3185.

3 (Whereupon, the document above referred
4 to was marked defense exhibit 3185 and received
5 in evidence.)

6 MR. WARREN (reading): "My name is HATTORI,
7 Tanushiro, and I now reside in the City of Tokyo.
8 I am an ex-Colonel of the Japanese army and at the
9 time of the Nomonhan Incident I was a Staff Officer of
10 the Kwantung Army. I have been asked if I know
11 whether or not the accused DOHIRA, Kenji, was in any
12 manner concerned with the Nomonhan Incident. I do
13 know and can state as a positive fact that he was in
14 no manner concerned with the Incident. He held the post
15 of Attache to the General Staff from June, 1938, and
16 was appointed Commander of the 5th Army on May 19, 1939,
17 which post he held until he was appointed as a Supreme
18 War Counsellor on September 28, 1939. The Nomonhan
19 Incident occurred on the 12th of May, 1938, just a
20 few days before General DOHIHARA became commander of
21 the 5th Army. The headquarters of the 5th Army was
22 established at Tung-an in Eastern Manchuria and its
23 primary function was the defense of that immediate
24 area.

25 "As a Staff Officer of the Kwantung Army I

1 knew that the creation of the 5th Army, of which General
2 DOHIHARA was the first commander, had nothing to do
3 with the Nomonhan Incident. The 5th Army had, as
4 subordinate units, the 11th and 24th Divisions, the
5 3rd Cavalry Brigade and the Futau Border Garrison.
6 None of these units participated in any manner in the
7 Nomonhan Incident, which was going on and continued to
8 go on for a short time after General DOHIHARA's appoint-
9 ment as commander, of the 5th Army. I know that
10 General DOHIHARA was never transferred to an area that
11 had any connection whatsoever with the Nomonhan Inci-
12 dent, but confined his military duties to defense in
13 the Tung-an area.

14 "Confusion may have arisen as to the partici-
15 pation of the 5th Army in the Nomonhan Incident be-
16 cause after it developed, the Commanding General of the
17 Kwantung Army withdrew machine gun units, mortar corps,
18 and other such units from each army in Manchuria and
19 added them to the 6th Army, or the 23rd Division, which
20 was then fighting at Nomonhan. Units were taken from
21 the 5th Army as well as from other available sources,
22 but General DOHIHARA was not officially concerned in
23 any manner with the withdrawal of such units from his
24 command and did not, and could not have issued the
25 orders for such withdrawal. Toward the end of the Inci-

1 dent the 3rd Cavalry Brigade, which I have mentioned
2 as one of the units under the 5th Army, was withdrawn
3 from the command of the 5th Army for the purpose of
4 adding to the Nomonhan military strength, but before
5 this unit could be added, the Incident was concluded
6 and the brigade never participated in the fighting.
7 I know that the withdrawal of the 3rd Cavalry Brigade
8 from the 5th Army was not upon the order of General
9 DOHIHARA, nor was he in any way responsible for it.
10 The orders were issued by higher authority." *****

11 THE PRESIDENT: Colonel Ivanov.

12 CROSS-EXAMINATION

13 BY COLONEL IVANOV:

14 Q Mr. Witness, were two new armies, the 5th and
15 6th, formed in the Kwantung Army in 1939?

16 A Yes.

17 Q Do you know whether General DOHIHARA was
18 appointed first commander of the 5th Army seven days
19 after the hostilities in the Nomonhan area had commenced?

20 A Yes, I do.

21 Q Is it known to you that military operations
22 in the Nomonhan area continued for four months in 1939
23 and that during that time General DOHIHARA held the
24 position of the commander of the 5th Army and was in
25 Manchuria?

1 A Yes, I do.

2 Q Wasn't General DOHIHARA relieved from the
3 post of the commander of the 5th Army in September
4 1940, that is, only after the Molotov-TOGO agreement
5 on the redemarcation of the borderline in the Nomonhan
6 area had been signed in the summer of 1940?

7 A In my recollection General DOHIHARA left his
8 post in September, 1939.

9 Q Isn't it a mistake of yours that General
10 DOHIHARA was relieved from the post of the commander
11 of the 5th Army in 1939?

12 A My recollection is that it was in 1939.

13 Q Did the separate units of the 5th Army par-
14 ticipate in the fighting in the Nomonhan area in com-
15 pliance with the order of the commanding general of
16 the Kwantung Army, who supervised the operations of the
17 army in the Nomonhan area and was responsible for their
18 success to the Imperial Headquarters, and didn't General
19 DOHIHARA carry out these orders as regards the 5th Army?
20

21 A The operational command of the Nomonhan opera-
22 tions was the responsibility of the commanding general
23 of the Kwantung Army. If units of the 5th Army were to
24 be dispatched to the fighting in the Nomonhan area,
25 then that would mean the transfer of units of that
army to the command of other units. This means that

1 the responsibility thereof does not rest with the
2 Commander in Chief of the 5th Army but with the
3 commanding general of the Kwantung Army.

4 THE PRESIDENT: We don't want an argument. We
5 just want you to state what was the fact, whether the
6 5th Army units engaged in the fighting.

7 THE WITNESS: The 5th Army did not participate
8 in the fighting at Nomonhan.

9 THE PRESIDENT: We will adjourn until half-
10 past nine tomorrow morning.

11 (Whereupon, at 1600, an adjournment was
12 taken until Thursday, 18 September 1947, at 0930.)
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